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# SOME ASPECTS OF ANCIENT HINDU POLITY.

Delivered in February, 1925.

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#### PREFACE.

The Lectures printed in this book were delivered by me as Manindra Chandra Nandy Lecturer before the Benares Hindu University in February, 1925. The text of the Lectures is practically the same as it was when I delivered them excepting Lecture H. which has been somewhat recast for the reasons stated on p. 34, n. 1. The footnotes, however, have been modified and added to here and there. The Lectures. it will be seen, deal with "Some Aspects of Ancient Hindu Polity." The importance of the subject was first perceived with prophetic vision by K. P. Jayaswal, Esq., M.A. (Oxon.), Bar.-at-Law, who began by contributing thought-provoking articles to the Modern Review in 1913. His mature views will now be found enshrined in his classic book entitled 'Hindu Polity,' which came out a little more than four years Following the example of Mr. Javaswal, I delivered, in 1918, two Lectures on this subject in connection with my First Carmichael Lectures Series, and had with me materials for three more Lectures, which have now been utilised for the Series delivered before the Benares University. the subject had not made much headway, and, in fact, would not have progressed with great strides if scholars like Prof. R. C. Majumdar, Mr. Benoy Kumar Sarkar, Dr. Narendra Nath Law, Dr. Upendra Ghosal, Mr. N. C. Ganguly, Mr. Narayan Chandra Banerji and Mr. Hem Chandra Ray had not joined our ranks. Hindu Polity, like any other subject connected with Indology, has now become so vast and specialised that after the lapse of five more years I do not think I can bring myself with any confidence to deliver any further course of Lectures on this subject. I fear that perhaps even in regard to the Lectures here printed I may not be in some cases as up to date as I ought to have been. But if any impartial critics think that this book contains something new and is not a mere compilation, I shall feel my labours more than amply repaid.

#### LECTURE I.

## HINDU SCIENCE OF POLITICS.

It can rightly be maintained that no Indian deserves to be called an educated man unless he knows something about the history of his country, that is, about his intellectual and spiritual ancestry. It is true that the history of India covers a very wide range, but it is not necessary for him to acquaint himself with any of the dry, technical or complicated questions connected with chronology or archæology. But there are, indeed, certain matters relating to India, above all, Ancient India, about which he must know something. One of these is whether Indians ever showed activity in the political field and made any contribution to the political science. haps some of us may be surprised that such a question should have been started at all for our consideration. For, has not Prof. Dunning in the Introduction to his work entitled "A History of Political Theories, Ancient and Mediæval" said: "The Oriental Aryans never freed their politics from the theological and metaphysical environment in which it is embedded to-day," and further told us that he was therefore compelled to limit himself "practically to the philosophy of the European Aryan' peoples." Prof. Dunning, it

may however be contended, had no direct knowledge of orientalia. But so far as India is concerned, this is also the view most emphatically held by almost all the scholars who have studied or written about its history and culture, ancient or modern. Let us consider what the late Prof. Max Muller and Prof. Bloomfield, for instance, have said about this matter. "The Indian," says the former, "never knew the feeling of nationality, and his heart never trembled in the expectation of national applause..... The only sphere where the Indian mind found itself at liberty to act, to create, and to worship, was the sphere of religion and philosophy; and nowhere have religious and metaphysical ideas struck root so deep in the mind of a nation as in India. The Hindus were a nation of philosophers..... Taken as a whole, history supplies no second instance where the inward life of the soul has so completely absorbed all the practical faculties of a whole people, and, in fact, almost destroyed those qualities by which nation gains its place in history." Bloomfield holds practically the same view. "From the beginning of India's history," says he,2 "religious institutions controlled the character and the development of its people to an extent vision in such a scheme for the interest of the

<sup>1</sup> History of Ancient Sanskrit Literature, pp. 30-31.

<sup>&</sup>lt;sup>2</sup> The Religion of the Veda, pp. 4-5.

State and the development of the race. Unintentionally, but none the less effectively, they are left out of account, leaving a corresponding blank in India's national character." This is the view of two savants, one German and the other American, regarding the typical cast of the Indian mind. They seem to hold that the activity of the Indian mind exhausted itself in the development of religious and philosophical thought, with the result that India did not evolve any feeling of nationality and did not conceive any idea of the State. In other words, the Hindus made no contribution to the science of Politics, and India has therefore no place in the political history of the world. It cannot possibly be denied that there was some truth in this their estimate of the Hindu culture, and in fact, this appeared to be the correct view up till very recently, when Kautalya's Arthaśāstra was brought to light. This monumental work has now for some years been before the scholars for critical study. And it is no longer correct to assert that the Hindu mind did not conduce to the development of the political theories. It is no longer correct to affirm that the Indians never freed their politics from the theological and metaphysical environments and never set up its science or art as an independent branch of knowledge. very first chapter of Kautalya's work enlightens us on this point. It deals with the vidyās or branches of knowledge, which were prevalent in

his time. All human knowledge known to India was, in the time of Kautalya, divided into four They were Anvikshaki, Philosophy, branches. Trauī, Theology, Vārtā, Economics, and Dandanīti or Polity. Is it not clear from this enumeration that the Hindu mind sharply and unmistakably separated Polity, as also Economics, from Philosophy and Theology, and regarded it as an independent subject of study? It will further be seen that in the time of Kautalya the Hindu mind showed equable regard to the sciences making for material progress and those conducing to spiritual culture. There was absolutely no encroachment of either Philosophy or Theology upon the domain of Polity or Economics, as no doubt was the case in later times. On the contrary, we have every reason to suspect that there was an encroachment the other way, that is, the encroachment of Polity upon Theology or Philosophy. Thus one school of politicians, namely, the Barhaspatyas, distinctly laid down that Trayi or Theology, which consisted of Vedic literature and lore, was a pious fraud. Nay, another school, namely, the Auśanasas ran to the extreme of reducing all vidyās to one, namely, Dandanīti, and asseverating that Dandaniti alone deserved to be called vidyā. Theology and Philosophy were thus subordinated by them to the Science of Polity which alone engrossed the mind of this school. Where such was the state of things, as we can clearly see

<sup>&</sup>lt;sup>1</sup> Ind. Ant., 1918, p. 104.

from Kautalya's Arthaśastra, it will now be absurd to affirm that the Indians had for ever subordinated the study of the Science of Politics to that of Theology and Philosophy and had never developed it as an independent branch of knowledge.

Quite in consonance with the above view we find that there was in existence a mass of literature bearing upon Dandanīti or Arthaśāstra prior to the time of Kautalya. In the first place, there were no less than four schools of Polity, namely, those of the Manavas, the Parasaras, the Barhaspatyas, and the Ausanasas. Besides these, there were at least seven big treatises on statecraft, namely, those attributed to Bhāradvāja, Viśālāksha, Parāśará, Pārāśara,2 Piśuna or Nārada, Kauṇapadanta<sup>3</sup> or Bhīshma, Vātavvādhi and Bahudantin or Mahendra. Kautalya is not the only writer who refers to these authors of Hindu Polity. They have almost all been mentioned in Chapter 55 v. 58 of the Santiparvan of the Mahabhārata, which also gives the additional name of Gaurasiras. Now, a school means a traditional

<sup>1</sup> Carmichael Lectures, 1918, p. 89, and ff.

<sup>&</sup>lt;sup>2</sup> Compare Mandve Vāchaspataye Sukrāya Parāśarāya sa-sutāya in Tantrākhyāyikā (Harv. Ori Series, Vol. 14), v. 2. This clearly shows that both Parāśara and his son Pārāśara were known as authors of polity.

<sup>&</sup>lt;sup>3</sup> I have elsewhere expressed the view that Kaunapadanta's work is most probably represented by the Rājadharm-ānuśāsana of Bhīshma, which forms the first part of the Śāntiparvan of the Mahūbhārata. This work seems to have been incorporated into the epic like the Bhagavadgītā.

handing down of a set of doctrines and presupposes a series of āchāryas or teachers, who from time to time carried on the work of exegetics and systematisation. Further, there were no less than four schools of polity known to India in Kautalya's There were, again, some independent treatises on this subject, as we have just seen, which do not seem to be connected with any school. All things considered, we may reasonably infer that the study of Polity must have begun as early as the seventh century B.C., if not This seems quite in keeping with the earlier. fact that tradition assigns the origin of this science of Dandanīti to the god Brahmā. We are told about this, for instance, in chapter 59 of the Śāntiparvan. Brahmadeva brought out a long treatise treating of tri-varga or the three aims of life, namely dharma, artha and kāma, and consisted of one hundred thousand chapters As the Dandanīti portion of it was found to be a colossal work, it was first shortened into ten thousand chapters by Viśālāksha, that is, the god Śiva. Śiva was followed by Bāhudanta or Indra, who abridged it into a work comprising five thousand chapters. Then came Brihaspati and Usanas who further reduced them to three thousand and one thousand chapters respectively.// This representation of the science as emanating from different gods and demigods doubtless points to a hoary antiquity. This agrees with the fact that the Arthaśastra is said in the Charanavyūha,

the 49th Parisishta of the Atharvaveda, to be an Upaveda of the 'Rigveda.' To say that the theory of Upavedas was invented by Brāhmans at a later period to connect all Sastras, even the most profane, with their Vedas and thus to make them Brahmanical is nothing but a gratuitous assumption. The Brāhmans have all along looked askance at Arthaśāstra and are never weary of reiterating, when their influence begins to increase, that wherever there is an opposition between Arthaśästra and Dharmašästra, the former is to be set aside in favour of the latter.2 When, therefore, we find Arthaśāstra raised to the rank of an Upaveda by the Parisishtas of the Atharvaveda, we have to suppose that it originated at a very early period. Considering all things together, it will not be at all unreasonable to maintain that Arthaśāstra or Dandanīti could not have originated itself later than 650 B.C.

Let us now try to understand a few more details about these works of polity which were composed prior to the time of Kautalya. In what form were they put together? Did they consist of Sūtras like Kautalya's Arthaśāstra, or were they in the metrical form? This is the first question that we have to tackle. Any scholar who carefully reads the chapters of the Rājadharm-ānuśāsana comprised in the Śāntiparvan will be able to answer it. For these chapters are interspersed with

<sup>1</sup> Calcutta Review, 1924, (April No.), pp. 1-2.

<sup>&</sup>lt;sup>2</sup> Yājnavalkya-smriti, II. 21; Nārada-smriti, I. 99 and 134.

some verses, preceded with the remark that they belong to such and such an author.¹ Thus Chapter 57 ends with two verses, preceded by another which tells us that they are the verses of (Prāchetasa) Manu. Similarly, verse 11 of Chapter 121 is both preceded and followed by the remark that that verse was sung by Manu. No reasonable doubt can thus be entertained as to these three verses being quoted from a treatise on polity attributed to Manu. We have likewise verses cited which are ascribed to Brihaspati and Uśanas (or Bhārgava). Again, in Chapter 67 occurs the following verse:

etay-opamayā dhīraḥ saṃnameta balīyase: Indraya sa praṇamate namate ye balīyase:

The second half of this verse may be compared to Indrasya hi sa praṇamati yo balīyase namati which is attributed to Bhāradvāja by Kauṭalya.² In fact, if the word hi is omitted from this last line, we practically obtain this second half of the Anushṭubh. And it may be safely inferred that this whole verse must be of Bhāradvāja's composition. Again, it was only the other day that the late M.M. T. Ganapati Sastri drew our attention to a verse from Viśālāksha quoted by the great Śamkarāchārya's disciple, Viśvarūpāchārya alias Sureśvarāchārya, in his commentary the Bālakrīdā, on the Yājñavalkya-smṛiti.³ We

<sup>&</sup>lt;sup>1</sup> Carmichael Lectures, 1918, p. 185 ff.

<sup>2.</sup> Arthaśāstra, p. 382.

<sup>&</sup>lt;sup>8</sup> Kautalīyam Arthasāstram (T. S. S.) Pt. I. Intro. p. 6.



ave thus at least five authors of Hindu Polity, prior to Kautalya, whose works were in metrical form.

Many of the chapters of the Santiparvan narrate incidents in the form of dialogues which are designated purātana itihāsa. Most of these itihāsas relate to matters connected with Dharma. Purāna and so forth. But some, though very few, relate to the Arthaśāstra. One of these is set forth in Chapter 68, where we are introduced to a discourse between Brihaspati and Vasumanas king of Kośala. Vasumanas pays his homage to the great sage, and asks him the following question: "Through whom do creatures grow, and through whom are they destroyed? Oh Thou of great wisdom, by adoring whom should they obtain eternal happiness?" Thus questioned, Brihaspati gives the reply, by dwelling on the paramount necessity of having a king at the head of the State. Chapter 140 we are introduced to another dialogue, this time between the sage Bhāradvāja and Satrunjaya king of Sauvira. The latter requests the former to expound the four constituents of Daņdanīti, and Bhāradvāja commences by pointing out the extreme importance of holding the chastising rod always in readiness. Chapters 64-5 introduce us to a third dialogue, namely, between king Mandhata and the god Indra who is here identified with Vishnu. the personages here exhorted are all kings and those who deliver the discourses, namely, Brihaspati, Bhāradvāja and Mahendra, are among the reputed authors of polity, it is difficult to avoid the conclusion that some glimpses, though dim and insufficient, have been here afforded us into the construction of their works. It appears that what is called the Bārhaspatya-śāstra was a treatise on polity consisting of a dialogue between Brihaspati and Vasumanas, king of Kośala. Similarly, the work associated with the names Bhāradvāja and Mahendra seem to be dialogues between them and kings Satrunjaya and Mandhata respectively, and comprised the extensive answers of the former to the string of questions put by the latter. Secondly, it is worthy of note that all these dialogues on polity have been called Itihāsa by the Santiparvan. This is exactly in keeping with the fact that Kautalya places Arthaśāstra, like Purāna and Dharmaśāstra, under Itihasa.

Now, the scope of the Arthaśāstra is defined by Kauṭalya as follows:

manushyāṇām vṛittir=arthaḥ; manushyavatī bhūmir=ity=arthaḥ; tasyāḥ pṛithivyā lābha-pālanopāyaḥ śāstram=Arthaśāstram=iti.¹

"The source of subsistence to mankind is artha; in other words, it is the earth which contains men. Arthaśāstra is (thus) the science which shows how to acquire and preserve that earth." Precisely the same thing has been said by Kauṭalya at the very beginning of his work (prithivyā lābhe pālane cha yāvanty = Arthaśāstrāni,

<sup>1</sup> Arthaśāstra, p. 426.

etc). It will thus be seen that Arthaśāstra is the science which deals with the acquisition and maintenance of the earth. Let us now examine what Kautalya says about the nature and scope of Dandanīti. Dandanīti, says he, is the wielding of danda and concerns itself with four things, namely, (1) acquisition of what has not been acquired (alabdha-lābh-ārthā), (2) preservation of what has been so acquired (labdha-parirakshanī), (3) augmentation of what has been so preserved  $(rakshita-vivardhan\bar{\imath})$ , and (4) distribution amongst the deserved of what has been so augmented (vriddhasya tīrtheshu pratipādanī).2 In Chapter VII (verses 99-101) Manu refers precisely to these four things. It is true that there he remarks apparently that they constitute the fourfold object of human existence. But the same have been made applicable to the Dandaniti, and, in fact, Manu tells us immediately afterwards that the king has to acquire what has not been acquired and so forth, by means of his danda, which the commentators have rendered by 'army'. And what else but land or territory can be acquired by a king with his danda? Dandanīti must therefore be supposed even from Manu's standpoint to be concerned with land or territory. It will thus be seen that Arthaśāstra is but a part of Dandaniti, as it concerns itself only with

<sup>1</sup> Ibid., 9.

<sup>&</sup>lt;sup>2</sup> Compare Santiparvan, Chap. LIX. v. 57; Chap. CXL. v. 5

the first two of the four topics that fall within the scope of the latter.

It has been maintained by some scholars that Arthaśāstra concerns itself with that artha which forms the second constituent of the trivarga or the three-fold aim of life—dharma, artha and This no doubt receives some support from the fact that Vātsyāyana at the beginning of his Kāmasūtra tells us that Prajāpati or Brahmā created people and recited to them a work consisting of one hundred thousand chapters. to enable them to attain dharma, artha and kāma. That part which related to dharma, says Vātsvāyana, was separated by Manu, that which related to artha by Brihaspati, and that which related to kāma by Nandin. As Brihaspati is looked upon as a founder of Hindu Polity and author of an Arthaśāstra and as this Arthaśāstra is here said to handle just that artha which is the second ingredient of the Hindu trivarga, it seems that this science concerns itself with the attainment of wealth by people of all classes. This is, however, not the sense in which Kautalya has understood the term. have seen above that he takes artha of Arthasastra in the definite sense of 'earth' or 'territory inhabited by mankind.' This Kautalya has told us not in one but in two different places, once at the very commencement of his work and the second time about its close. This is not all. In the first

<sup>&</sup>lt;sup>1</sup> Calcutta Review, 1924, (April No.), p.l; Kautiliyam Arthaśāstram by J. Jolly (Punjab Sk. Series, No. IV.), Intro. p. 4-5.

' chapter of his work, he tells us, in brief, what constitutes the subject matter of Travi or Theology, Vārtā or Economics and Dandanīti or Polity. The subject matter of this last science (vidyā), he tells us distinctly and unmistakably, is naya and anaya, that is, right policy and wrong policy, and not at all artha and anartha. wealth and non-wealth, which form the subject matter of Värtä or Economics alone. The science that dealt with artha or wealth was, according to Kautalva, Vārtā, and not Arthaśāstra or Dandanīti. From the time of Vātsvāvana, that is. from the fourth century A.D. onwards, not even the name of Vārtā is heard or is traceable. It seems to have been almost lost. And it is quite possible that Arthaśāstra, through its etvmological sense, was taken to relate to artha or wealth in general, which, however, formed the legitimate sphere of enquiry, not of Arthaśastra or Dandaniti, but of Varta alone. In fact, there is no work of Arthaśastra earlier or later known to us at present, which deals not with the acquisition of territory and its preservation, but with the acquisition of wealth by the generality of men.

The most detailed work on Arthaśāstra that has survived to our time is that of Kautalya. Let us glance at its table of contents to find out how this science intended to handle the two parts which form the subject matter of Arthaśāstra. We have only to pass before our mind's eye

the titles of the various chapters of Kautalya's work to determine under which section any particular chapter has to be classed. Curiously enough, the second section of the science which deals with the preservation of what has been acquired seems to have been first taken in hand. To begin with, we have some chapters speaking of the king and his family, some of the hierarchy of officials and some even of the civil law. The chapters dealing with the king and his family tell us not only how a king should control all his senses and what duties he should perform at what hours of the day, but also how the female apartments should be constructed and how he should protect himself against any attempt at life in the seraglio. They are also not weary of telling us how kings should watch the princes "who are like crabs inclined to devour their begetters," and how very necessary it is to impart the proper kind of education to them. Then we have also chapters telling us with what care and circumspection a king should select his counsellors and priests. And we have got one full adhikarana or book, enumerating the titles and functions of the different officials and advising the king how he can exact the maximum of work out of them. It is also followed by another adhikarana which deals with the civil law and specifies minute details in regard to its proper and effective administration. The next section is entitled Kantakaśodhana, and sets forth different measures

'such as the police regulations and the administration of criminal law with a view to get rid of such thorns or obnoxious people as are a danger to the country. Then there are other adhikaranas also which detail the different methods by means of which a king can clandestinely get rid of unreliable ministers, traitors and state enemies, or can fill his empty treasury, and also augment the sources of state revenue. In fact, the first five adhikaranas of Kautalya's Arthaśāstra concern themselves with the preservation of the country that has been acquired. But from the sixth adhikarana onwards the work deals with the other subject matter of the science, namely, the acquisition of the new territory Thus the sixth and the seventh adhikaranas treat not only of the seven prakritis or constituents of a state but also of the mandalas of friendly and hostile neighbours, and the six methods of foreign policy relating to peace, war, neutrality, mobilisation, alliance and double policy. Then follow two adhikaranas which are devoted to military matters, the recruiting and organisation of armies, and so forth. Then there are at least two adhikaranas which teach the different methods of secretly conquering or getting rid of an enemy in the hostile But whether we concentrate our attention on the acquisition of the new territory or on the preservation of what has already been acquired, this much is certain that a king can not possibly do without spies. Whether he is warring

with his hostile neighbours or maintaining peace in his own kingdom, he must have his spies employed against enemies within or outside the State. The different classes of spies have been specified, and the methods of extorting work from them described. One can hardly go through the work of Kautalya without receiving the impression that in his time the espionage system had been developed almost to a perfection.

We thus obtain a clearer and more accurate view of the aim and scope of the Arthaśastra. But Arthaśāstra is part of a bigger science called Dandaniti, and deals only with the first two of its four constituents. The remaining two are: (1) augmentation of what has been preserved and (2) distribution among the deserved of what has been so augmented. What the exact scope of each is, that is to say, what different subjects are treated of under each head, is not known, as unfortunately not a single work of the whole science of Dandaniti has been preserved for our study. Let us. however, trv to understand what was in all likelihood included and discussed under these heads. Kāmandaka, a later author of Hindu Polity. while describing the scope of his Nitisara.1 restricts it to the two points: (1) acquisition of the earth, and (2) its maintenance, exactly as Kautalya does in the case of his Arthaśāstra. Sankararya, while commenting upon this statement of Kāmandaka, says that there are two other consti-

tuents of this science, but that they are not mentioned as these are but particular forms of the first two. And he goes on further to tell us that the augmentation of what has been preserved is the same . thing as a new acquisition and that its bestowal on worthy objects, such as on a meritorious son or disbursement on Asvamedha and other ceremonies is in every way tantamount to its protec-Śankarārya's explanation is but another instance of commentators offering tentative surmises about things where traditional knowledge of their exact nature and scope is lost. For what is the good of specifying these as the last two constituents of Dandanīti if they are practically identical with its first two components? They have therefore to be interpreted differently, as they must denote entirely different things and cannot be mere replicas of the first two constituents. exactly they signify and denote we do not know, but like Sankarārya we may also make an attempt at some shrewd guess. The first of these is, as we know, "augmentation of what has been preserved." This does not mean acquiring new territories, but rather developing and exploiting the country that has been already acquired and preserved. It must point to the adoption of measures which can make the old kingdom already in possession yield more wealth and additional source of revenue. Those who have read Kautalya carefully cannot fail to be impressed by the State policy which is fairly well indicated in his

work and which looks like modern State Socialism. The state of Kautalya owned all the most important gifts of nature, such as agricultural land, the mines, and the forests, and managed them by the creation of different Adhyakshas or Superintendents. The State took active steps for the formation of new colonies, that is, the establishment of villages and towns by people emigrating from the thickly populated areas of the country, or by foreigners encouraged to im-The state certainly owned agricultural land at least in these new settlements and appointed Sītādhyaksha or Superintendent of Agriculture, who, in addition to the general duty of supervising agriculture, irrigation and manuring in the whole country, was entrusted with the special work of cultivating agricultural lands belonging to the State, by the employment of "slaves, labourers and prisoners" and with the necessary machinery and livestock owned and supplied by the State. Again, there were not only industries which were state-owned and statemanaged, but also industries in which the State was a joint partner. The State similarly participated, in its own capacity, in trade and commerce and devised various laws to control prices and profits, and exports and imports of the country. these are features which the Kautalyan States possessed apparently in common with the modern State Socialism. Whether any conceptions of State Socialism were developed in Ancient India before

or in his time will be discussed in the last Lecture. Most probably they were not, because these elements of the State policy described in Kautalya's Arthaśästra were dictated not by the social-·istic motive to check or destroy any economic environment felt to be ethically evil, restrictive and oppressive. But it cannot be denied that it gave rise to the economic motive of developing the resources of the country by specialised methods and thus intensifying and multiplying the sources of the State receipts. It must be these methods which were most probably treated and discussed under the third constituent of the Dandaniti, namely, 'the augmentation of what has been preserved.' They have been referred to in brief in the Arthaśāstra, but must have been set forth at length in the third section of a treatise on Dandaniti, drawing fully upon the subject matter of the science of Varta or Economics.

We now come to the fourth item, the consideration of which forms the last constituent of the Daṇḍanīti. In fact, it constitutes the end and aim of that science. It is vriddhasya tīrtheshu pratipādīnī, 'the distribution of the augmented (wealth) among the worthy.' What is the meaning of this? Who are the worthy entities on whom the wealth has to be bestowed? It is a pity that no work of the Danḍanīti has been preserved which throws light on this point. It is true that Sankarārya,

the commentator of Kāmandaka's Nītisāra, speaks of the bestowal of his kingdom by a king upon his meritorious son and his performances of the Asvamedha and other sacrifices. An Asvamedha. or, for the matter of that, any sacrifice, may perhaps be described as a tirtha such as is contemplated by the authors of the Dandaniti. king according to this exposition can bestow his realm on his virtuous son only when he wants to retire to a hermitage, and, it is seldom that a king's son can be found who is an object of veneration  $(t\bar{\imath}rtha)$ , the generality of princes being rightly described as "crabs ready to devour their begetters." Who could then these tīrthas be? And how were gifts to be made to them? This question also will be discussed in the last Lecture; and it will suffice here to say that Tirthas are the recluses who were the heads and teachers, if not the founders, of schools and They were the objects of veneration with all people, and the king was expected to honour them, not with honours merely but also with gifts, in order that they may live unhampered the life of contemplation for the good and exaltation of mankind.

We have already seen that no work which deals with Daṇḍanīti has been preserved, wholly or partially. And even in regard to the Arthaśāstra, the treatise of Kauṭalya is the only work that has survived. We know, however, with what strides Daṇḍanīti had advanced before his time. There were

not only many individual authors of great originality and eminence but also four schools of polity well-established and well-recognised. seems that things were fast changing and that the 'study of this science was becoming more academic and abstruse, and less practical and popular even before the time of Kautalya. The tendency to contraction and conciseness had already manifested itself. Chapter 59 of the Santiparvan, we have seen, has preserved for us the tradition about the original stupendous (but fabulous) work of Brahmā. Viśālāksha (Śiva) was the first to begin to shorten it. Then came Bāhudanta (Indra), Brihaspati, and Uśanas (Śukra), who each in his turn abridged it still further. V Even Kautalya had to submit to this inevitable tendency of the day. At the very beginning of his work he tells us in unmistakable terms that his treatise was a compendium drawn up from almost all the Arthasastras that were available. The reason of his preparing this abstract seems to have been adduced by him at the end of the first chapter of his book. treatise (śāstra), "says he, "has been composed by Kautalya, which is understood (even) by those capable (only) of easy apprehension, in which the exact word, meaning and truth have been ascertained, and which is bereft of (all) prolixity of style."

¹ The word in the original is samhritya, which I take in the sense of 'having abridged', and not 'having collected, or gathered.' Compare it with samkshiptā in Dandin's iyam=idānīm=āchārya-Vishņuguptena Mauryārthe shadbhiḥ śloka-sahusraih samkshiptā.

Again, at the close of his work, he says: treatise has been composed by him who quickly and through determination of purpose rescued the science (of polity), the art of weapon, and the earth which had passed to the Nanda kings." Putting all these things together, it appears that the study of this science, probably on account of its extreme and tedious voluminousness. was becoming more and more distasteful, that Kautalya composed a work which was a sort of abstract from almost all the Arthasastras known up till his time, shorn of all its pedantic discussion and consequently serving as a valuable guide to the budding politician who could now easily grasp and comprehend it and that he thus rescued it from the complete oblivion that had threatened it. In one place, he distinctly tells us that Dandanīti is to be studied from both a theoretical teacher (vaktā) and a practical worker (prayoktā.) The gulf was probably widening between the two, and the study of the science was being abandoned by the diplomat and the politician. And what Kautalya seems to have done is that he divested it to a large extent of its speculative character, and combined the minimum of it with the maximum of the practice of statecraft. This was the sort of abstract which he appears to have deduced from the works of polity extant in his time. In this connection we must, however, guard ourselves against a misconception that is

<sup>1</sup> Arthaéastra, p. 10.

otherwise likely to arise. Just because Kautalya says that his book is a compendium, we must not jump to the conclusion that it is nothing but a compendium. For, in many places where questions of policy or administration are discussed and where the views of his predecessors are indicated, he has set forth his own with a clarity and precision which show that he was not a mere theorist or literary pedant but rather a statesman endowed with rare political insight and practical wisdom. In fact, any scholar who carefully reads his work cannot fail to perceive that Kautalya had a definite set of views on all the important points of policy and administration-views sufficiently numerous and characteristic to go to form a different school of polity. Again, it is quite possible that the selection of the subjects for inclusion into his work and the arrangement of its parts may have been entirely his own so as to stamp his individuality on his production, though we have no means of determining it as we have no other work on Arthaśāstra. This is probably another reason why the name of Kautalya has been associated with a darśana or system of polity It is true that the word darsana occurs not only in the body of his book 1 but also in the Nītisāra of Kāmandaka (Circa 500 A.D.), and that in both these cases the word may simply mean 'the view, opinion'. It is, however, in v. 7 of the initial chapter that Kāmandaka uses

<sup>1</sup> Ibid., p 17.

the same term again, but here clearly in the sense of 'system'. It is here that he tells us that what he has set forth in his book is from the darsana or system of Kautalya. Through the sterling merit of his work, Kautalya has been raised to such a pitch of eminence that he is compared by the Tantrākhvāvikā to Manu, Vāchaspati (Brihaspati). Śukra (Uśanas) and Parāśara, who were the founders of the schools of Hindu polity. The Tantrākhyāika is the earliest version of the Panchatantra and was composed between 300 and 500 A.D. It therefore seems that already in the early centuries A.D. Kautalva had come to be looked upon as the originator of a school like Manu, Brihaspati and so forth. explains why the Kautaliya has exerted a great influence on the law and literature of India. Quotations from the Kautaliva have been traced or found interspersed in such works of divergent nature as the Buddhist Jātakas, the Baudhāyana and Vasishtha Dharmasūtras, the Manu, the Yājñavalkya-, and the Nārada-smriti, the Kāmasūtra, the Nyāyabhāshya, the Mahāvīracharita of Bhavabhūti, the Daśakumāracharita of Dandin, the Nîtivākyāmrita of Somadevasūri (950 A.D.) the commentaries of Medhatithi, Hemachandra and Mallinatha. These citations we will have to consider when we discuss the date of Kautalya in the next Lecture. But this much will be here admitted that they leave absolutely no doubt as to the Kautaliya having become

well known to all sorts and conditions of literates from 200 B.C. down'to the fifteenth century A.D.

It must not, however, be thought that the Kautaliya completely superseded all other works We have seen that the Kāmasūtra alludes to the Arthaśāstra of Brihaspati. But it may be contended that the Kāmasūtra here refers merely to a tradition of this science having emanated from Brihaspati and that it does not prove that his work was then studied at all. Not far removed from it in time was Bhāsa. and he, in the fifth Act of the Pratimanataka makes Rāvana actually say that he had studied the Arthaśāstra of Brihaspati along with other Sāstras which also are specified by him. This at any rate shows clearly that up till the fourth century A.D. when Bhasa lived, Brihaspati's work on polity continued to be of study. Then again there was some work of polity associated with Nārada (Piśuna),1 which was known up to the time of Bana and verses from which have been quoted even in so late a work as the Rājanīti-ratnākara as we shall see Similarly, we have seen above that shortly. Viśvarūpāchārya, a disciple of the Samkarāchārya, quotes a verse from Viśālāksha in  ${\bf commentary \cdot on \quad the \quad \it Y\bar{a}j\tilde{n}avalkya-smriti.}$ his This points to the inference that about 800 A.D. when Viśvarūpācharya flourished, the work of Viśālāksha was known and studied. Again, we

<sup>&</sup>lt;sup>1</sup> Carmichael Lectures, 1918, p.90, n. 1.

know that Samkarārya quotes one verse from Auśanasa in his commentary on Kāmandaka's Nītisāra.1 From this it is clear that the work of the Ausanasa school had not been completely forgotten but was read about the end of the medieval period with care and zest by the scholars who were interested in the science of polity. Similarly, we have an inscription found at Vanthali<sup>2</sup> in Kāthiāwār and dated VE. 1445 which describes Gadadhara, prime-minister of the Khamgara king Mokala, and which says that he was proficient in the Barhaspatya and Ausanasa works, was disciplined by the ruby-like words of Chāṇakya, and was the goddess of wealth of the beautiful mansion, namely, Kāmandaki. Surely these school productions and these works must have been in existence up to these later times, but like the other Śāstras they must have teemed with endless and pedantic discussions. But the prolix details and intricacies which speculators are fond of indulging in are most unsuitable to a practical politician. Kautalya's treatise, bereft as it was of pedantic prolixity and containing as it did his considered opinions born of his long and varied experience and statesmanly wisdom, must have appealed most fervently to all classes of politicians for whom such works are principally intended. It is true that Dandin refers to it somewhat jocosely in his Daśakumāracharita and that

<sup>&</sup>lt;sup>1</sup> (T.S.S.), p. 112.

<sup>&</sup>lt;sup>2</sup> Rev. Lists Ant. Remains Bomb. Presidency, p. 246.

Bāna speaks of it rather revilingly in his Kādam-barī. Nevertheless, their references to this treatise show unmistakably that the work had become extremely popular with princes and statesmen and was widely read by them.

Though Kautalva seems to have founded a school and thus prevented the study of polity from falling into complete desuetude, so as the class of administrators was concerned. it cannot be denied that the science of politics practically barren after Kautalya wrote. Even his work, though it was a compendium, was considered to be somewhat unwieldy, and Kamandaka (500 A.D.), we know, undertook the task of shortening it still further, by omitting matters relating to administration and law and reducing it to be a mere Nītisāra or Essence of Policy. Kamandaka also wrote for princes and statesmen, and his Nītisāra became so popular in the later period that quotations were freely made without acknowledgement by the authors of  $Sukra-n\bar{\imath}tis\bar{a}ra$ , and what is still more interestting, some chapters from the Agni-Purāņa which purport to be a discourse on Nîti by king Rāma to his brother Lakshmana consist of nothing but verses boldly excerpted and put together from the various chapters of Kāmandaka's work. It must not however be supposed that Kāmandaka's Nītisāra superseded Kautalya's Arthaśāstra.

<sup>&</sup>lt;sup>1</sup> U. Ghosal's A History of Hindu Political Theories, p. 223; n. p. 248, n.

For we have already seen that Somadeva's Nītivākyāmrita, a work of the 10th century, contains passages which are citations from Kautalya's book, and that Mallinatha, who lived in the 14th century, while commenting on some verses from the Raghuvamśa and Kumārasambhava. also quotes from Kautalya's work. Further, what is strange is that even the word  $n\bar{\imath}ti$ , which up till the time of Kāmandaka, was employed to denote 'state policy' came about the tenth century to signify 'general morals' 'rules of general conduct', of which Polity was a mere branch. To this period belong the works Bārhaspatya-sūtra Chānakaya-sūtra and Śukra-nītisara. The first two of these have been composed in the sūtra, and the third in the metrical, style. None of these can be considered to be the work of the author to whom it has been attributed. first two, no doubt, begin with matter which has an air of antiquity about it, but what immediately follows is not concerned at all with public administration, civil law and warfare as the real works of Brihaspati and Chānakya (Kautalya) ought to be, but with the subject of general morals in connection with which public policy is treated, only incidentally and insufficiently. Even in the Sukra-nītisāra, polity forms not an independent branch of study, but is merged into the science of general conduct. But for the help and guidance of princes and statesmen arose about this time what may be called Digests of Political

• Science. One of the earliest is Rajaniti-kalpataru by Lakshmidhara-bhatta, minister of war and peace of the Gāhadavāla king Govindachandra. Then we have another called Rajanīti-kāmadhenu by one Gopāla. The Rājanīti-ratnākara composed by Chandesvara at the command of king Bhaveśa is perhaps the best known of this class of writings. It seems that when the word nīti came to stand for 'rules of general conduct,' it became necessary to use the phrase rajaniti to distinguish them from the rules of kingly conduct. These digests of political science followed, on the whole, the principles of polity set forth by the Dharmā-śāstra, though they did not altogether ignore the help of the old Artha-(Nīti-)śāstra, as is clear from the fact that the Rājanīti-ratnākara, for instance, quotes verses from Nārada-nīti, Kāmandaka and so forth. There were also other digests on this subject, such as those by Vāchaspati, Mitramiśra and In fact, whichever work after Nilakantha. Kautalya, dealing with polity, we may take, whether it is Brahmanical or Jaina, whether it is a digest or a treatise, this much is certain that it is an adaptation or compilation and that whatever concepts and practices it presents for our consideration are borrowed from the earlier It may set forth subjects of remarkable interest, but there is no freshness or originality about it. In fact, it remains incontrovertible that after Kautalya the science of polity not

only made no progress at all but was fast on the decline. I have elsewhere shown that through the missionary activity of Asoka of the Mauryan dynasty, which changed the whole foreign policy of the Magadha empire and created an apathy for militarism and political greatness, the Greeks, who, although previously they were afraid of encountering the Magadha army, were emboldened, and, in a way, encouraged, to carry their inroads into India and disintegrate and dismember the Mauryan empire. And once the Greeks' penetrated India, they opened a passage into this country to the various wild hordes, such as the Sakas, Palhavas, Kushanas, Hūnas, Gurjaras and so forth, whom we now find pouring in unceasing and large swarms and eclipsing the sovereignty of the indigenous royal families with such few exceptions as the Sungas and Guptas. It is true that these foreign tribes were all Hinduised soon after they were settled in this country, but the fact can scarcely be disputed that the political power of the country was practically monopolised by these Hinduised foreigners up till the advent of the Muhammadans. The Hindu genius for originality and development of political thought thus remained dormant and died a natural death. And this seems to be the reason why the Hindu science of polity made no kind of progress after Kautalya.

When the power and glory of the old Ksha-

<sup>&</sup>lt;sup>1</sup> D. R. Bhandarkar's Asoka, p. 241 ff.

triva families was supplanted by the clans of thèse barbarian hordes, the only indigenous class in India who profited by this political upheaval was the Brahmans, who were chiefly instrumental in Hinduising the alien tribes by converting them to Brahmanism and above all furnishing them with an epic-old pedigree and thus conferring social status on them. The power of the Brahmans gradually increased in this manner till they became supreme. And there was hardly any part of the social fabric or any branch of literature to which they did not give a'shape which was consonant with their power and importance. This led to the recasting of the Smritis, the Puranas and so forth. The old Arthaśāstra, which was of an eminently practical nature and coincided with the practice of the people, was fast being tapped, and all the important portions of it were incorporated into their metric Smritis and were given such a form as to advance their personal end. The principal object of the old Dharma-sūtras was to indicate the road leading to the acquisition of spiritual merit. They are, therefore, generally minute. as Bühler tells us, on the majority of the topics connected with the moral duties of the Arvas, but their treatment of the procedure, the civil and the criminal with the exception of the law of inheritance and partition, is extremely unsatisfactory.

<sup>1</sup> Sacred Books of the East, Vol. XXV. (intro.), pp. liii-lv.

things changed when the metrical Smritis arose. There the description of the duties of the king, including the administration of justice and the civil and criminal law occupies considerably more than one-third of the whole metrical Smritis, whereas none of the older law-books devotes onefifth of its text to such matters. already seen that no Arthaśāstra can be complete without a treatment of Civil and Criminal Law, and that Kautalya's work has reserved two whole prakaranas or books for its consideration. Again, from what Kautalya says in one place it is evident that Arthasastra recognised four kinds of law, namely Canonical (Dharma), Usage (Vyavahāra). Instituted Observances (Charitra or Samsthā) and King's Law or Equity (Rāja-sāsana or Nyāya), When Canonical Law disagreed with Usage Instituted Observances, the former was valid. But if any of these three conflicted King's Law, the latter alone was to prevail. Such was the administration of justice laid down by the Arthaśastra. But about the beginning of the Christian era when the indigenous royal houses were being more and more completely replaced by foreign dynasties and when the power of the Brahmans was daily waxing and asserting itself, the tables were turned; and the metrical Smritis, which were a potent weapon supporting and advancing Brahmanism, took upon themselves, as we have seen, the

way of showing how to administer law and even laid down the contrary dictum of giving unquestionable preference to Dharmaśāstra over Arthaśāstra, if in any particular case there was a divergence between the two.

## LECTURE'II.

## DATE OF KAUTALYA.1

With the advent of this century South India has become a land of wonder to the Sanskritist. or four years ago the students of Sanskrit literature were taken by surprise by the discovery of Avantisundarī-kathā by Dandin which is believed to be the original form of the Daśakumāra-charita ascribed to him and which throws a flood of light on the various poets that propitiated the goddess of poetry before his time. Not many years ago, a valuable addition to our list of works on Indian poetics was made by the discovery of Bhāmaha's work on alankāra in Trivandrum. The dramas of Bhāsa who preceded Kālidāsa had for a long time remained hidden from the modern world until they were discovered twelve years ago at the same place, namely, Trivandrum, by the lynx-eyed indefatigable scholar, the late Mahamahopadhyaya Ganapati Sastri.<sup>2</sup> That a work dealing with the science of polity had been composed by Kautalya was known for years from the references and quotations cited from it by various authors, mediæval and modern. These fragments had

<sup>&</sup>lt;sup>1</sup> The Lecture, as it was originally delivered, has been printed in the Annals Bhand. Inst., Vol. VII. Pts. I and II, p. 65 and ff. It appears here in a slightly modified form, necessitated by the invaluable criticism received from Prof. Jacobi.

<sup>&</sup>lt;sup>2</sup> This is now doubted by some scholars; see e.g. the Bhāsa Problem by K. Rama Pisharoti in his An. Rep. Archæol. Res., Cochin State, for 1100 M.E., p. 73 and ff.

been culled together by Aufrecht Zachariae, and Hillebrandt from lexicons, commentaries and other pieces of Sanskrit literature. But nobody ever dreamt that the whole work which was given up as lost would be recovered and made accessible to the student of Indian history. The whole scholarly world was therefore seized with an extreme and agreeable surprise when in the January number of the Indian Antiquary, 1905. Dr. R. Shamasastry not only announced the discovery of this work at Tanjore but actually published an English translation of some of its chapters. The whole book was afterwards edited and translated twice by the same scholar. And as the book is important, not only to the student of ancient polity but also of law and economics, it is no wonder if it has been edited by two more scholars—by Prof. J. Jolly in the Punjab Sanskrit Series and Mahamahopadhyaya Ganapati Sastri in the Trivandrum Sanskrit Series. work is, indeed, so precious in the whole range of Sanskrit literature that it has revolutionised all our ideas about the culture and civilization of Ancient India. Unfortunately, however, there is a wide divergence of opinion in regard to its date and authorship. Some scholars are of opinion that it is the work of that Kautalya who enabled. Chandragupta (320 B.C.) to establish the Mauryan But there are others who hold that it is empire. a production of the third century A.D. As the work, however, is the sheet-anchor of the history of ancient Indian culture, it is of paramount

importance to discuss its date and authorship till 'a fair consensus of opinion is reached.

At the end of the first and the tenth chapters occur verses which ascribe the work to one Kautalya. Again, at the very close of the book we have a verse which tells us that the author of the work was one who wrested the earth from the Nanda kings. As from the Purānas we learn that Kautalya uprooted the Nandas and anointed Chandragupta as king of their dominions and as 'a rare unity of plan and structure pervades the whole work' pointing to the conclusion that it is the work of one man, it appears that the author of the Arthaśāstra was no other than the primeminister of the founder of the Mauryan dynasty who flourished in the fourth century Dr. Shamasastry, who first edited the text, naturally held the opinion that the Arthaśastra was a work of that early period. The various political practices, social customs and religious observances detailed in this book had well nigh disappeared certainly from the second century B.C. onwards, if not from a much earlier time. They therefore reflected a state of society prevalent possibly in the early Maurvan period but probably at a time before the birth of Buddha. All these practices and custom's have been beautifully culled together by that erudite scholar who has also shown that both the Kāmasūtra of Vātsvāvana and the Smriti of Yājñavalkya are indebted to the Arthaśāstra not only for certain

• views and doctrines but also for phraseology. The late Dr. J. F. Fleet endorsed this view, unreservedly, about the date of this work in his introductory note prefixed to the translation of the work, by Dr. Shamasastry himself. "The work," says he, "accordingly claims to date from the period B.C. 321-296; and its archaic style is well in agreement with the claim." "Though the existing text," adds Dr. Fleet, "is perhaps not absolutely word for word that which was written by Kautilya, still we have essentially a work that he did compose in the period stated above." Among the European Sanskritists Prof. Jacobi and Dr. F. W. Thomas are the only other scholars who have countenanced this view.

Soon after the Arthaśāstra of Kautalya was published, it came to be more assiduously studied in Europe than even in India; and a view of diametrically opposite character was being formulated, namely, that the work belonged not to the fourth century B.C. but to the third century A.D. This is now the view which is generally held by European Sanskritists, and the late Sir Ramkrishna Bhandarkar is perhaps the only Indian scholar who has expressed a similar opinion. The arguments on which this view is based were marshalled and enunciated by Prof. Jolly and Prof. Winternitz and were briefly

<sup>&</sup>lt;sup>1</sup> Kauţiliyam Arthaśūsixam (Punjab Sk. Series, No. 1V), Introduction.

<sup>&</sup>lt;sup>2</sup> Calcutta Review, 1924 (April), p. 1 and ff.

indicated in a short but lucid note by Prof. Keith. The chief argument of Prof. Jolly is that the Arthaśāstra bears a close alliance with the Kāmasūtra and that if the fourth century A.D. be taken as the possible date of the latter, the former might have been composed in the third century. Prof. Winternitz bases his position on a two-fold argument. The first is that the contents of the Arthaśastra justify the assumption that it is the work of a Pandit and not of a It could not have therefore been statesman. composed by Kautalya, as he is reported to be the prime-minister of Chandragupta and therefore to be a statesman. His second argument is something like this. The numerous discussions in which the opinions of different teachers or of different schools are quoted in this work as opposed to that of Kautalya indicated by the words: iti Kautalyah show that the Arthaśāstra was a composition not of a single author but of a school. Jaimini is similarly mentioned in the Pūrva-Mīmāmsā-sūtra, Bādarāvana in the Vedānta-sūtra and Baudhāyana in the Baudhāyana-Dharmasūtra which represent so many schools, but Patañjali, he says, never states his opinion in the Mahābhāshya by saving: iti Patañjalih.

So long as these scholars confine themselves to the main argument of theirs, they are not open to any adverse criticism. Of course, it is possible to hold an opinion different from theirs, but it can-

<sup>1</sup> Jour. R. As. Soc., 1916, p. 130 and ff.

not possibly be said that there is anything objectionable in the manner in which they maintain their views. Unfortunately, however, they are not content with this and enter into a discursive argumentation which has the air, sometimes, of plausibility but, often, of absurdity. Thus they even go to the length of proving that there was no such historic figure as Kautalya at all! perfectly true that Indian tradition as preserved in the Purānas and the Buddhist and Jaina literature is unanimous in making of the wily Brāhman Chāṇakya Kauṭalya, a king-maker, the destroyer of the Nandas, and the supporter of Chandragupta. But, says Prof. Jolly, "It might indeed be questioned whether the prime-minister of Sandrakottos is not a figure of pure mythology, as he is not mentioned in the Greek reports concerning Sandrakottos." Prof. Winternitz practically adduces the same arguments. The Purāņas, says he, no doubt unanimously report that Kautalya destroyed the Nandas and anointed Chandragupta But they never speak of his having been a teacher or an author. Patanjali in his Mahabhashya refers to the Mauryas and Chandraguptasabhā, but makes no mention of his famous minister. But the Professor is not satisfied with this position, and goes one step further and asserts that the very name Kautilya raises grave doubts as to his being an author or a minister. Kautilya means 'crookedness,' 'falsehood'; is it likely that Chan-

<sup>&</sup>lt;sup>1</sup> Kaut. Arth. (Pun. Sk. Series), Vol. I, Intro., pp. 33-4.

dragupta's minister should have called himself, 'Mr. Crooked' or 'Crookedness personified'?1 Surely scepticism cannot go further. It is true that Prof. Winternitz cannot be blamed much when he takes Kautilya to mean 'Mr. Crooked.' For does not Viśākhadatta in his Mudrārākshasa speak of him as Kautilyah kutila-matih sa esha yena? But the Professor should have thought over what Śamkarārya has said about it in his commentary on Kāmandaka's Nītisāra. "Vishņugupta," says the commentator, "is the name given at the naming ceremony and Chānakya and Kautilya are connected with the birth-place and the gotra respectively." It will thus be seen that Kautilya was not his personal name but a name derived from his gotra. This view of Sankararya receives support from the fact, pointed out by the late Mahamahopadhyaya Ganapati Śastri, that Kutala, not Kutila, is mentioned by Keśavasyāmin in his Nānārthārņava-sainkshepa as denoting a gotrarishi, that is, the sage who is the originator of a "The word Kautilya (ikāramadhya) is a mistake," adds the Mahamahopadhyaya, "handed down to us by scribes and readers. All the ancient manuscripts of the text and the commentaries of the Arthaśästra, available here, read throughout as Kautalya (akāramadhya), and not as Kautilya. Kutala is the name of a Rishi who founded the Kautala Gotra and any descendant of that Gotra

<sup>&</sup>lt;sup>1</sup> Cal. Rev., 1924 (Apl.), p. 18.

may be called Kautalya." It is thus quite clear that the real name of the reputed author of the Arthasāstra is Kautalya, and not Kautilya in the sense of "Mr. Crooked," and the sooner we discard the latter and adopt the former name, the better for the promotion of truth and history.

Then, again, we are told that Patañjali speaks of the Mauryas and even of the Chandragupta-sabhā, but makes no mention of Kautalya. latter was really the prime-minister of Chandragupta and was chiefly instrumental in securing for him the Nanda throne, it is inconceivable how he is passed over although the Chandragupta-sabhā is referred to. This is what the argument comes But the question is: what is meant by Chandragupta-sabhā? Does it signify 'the council of Chandragupta's ministers? or 'Chandragupta's conclave of literates '> It is very difficult to say which sense is here intended. But as Patañjali is a Grammarian, the probability is that he is referring to the latter, that is, the assembly of learned men. Similarly, there is no force in the argument urged by Prof. Jolly that because Megasthenes does not mention Kautalya at all, the latter could not have lived in his time and could not have been a historical personage. is an ex silentio argument, which can never be thoroughly satisfactory. It is true that Megasthenes does not speak of Kautalya. But it is also true that he does not speak of the Nandas. Are

<sup>1</sup> Kaut. Artha (Triv. Sk. Series), Pt. 11, p. 4.

we therefore to suppose that the Nandas are a, fiction of history although they are referred to in all the early Purāṇas as having been uprooted by Kauṭalya for putting Chandragupta on the throne? What then becomes of Nandrus who is supposed by the Greek writers as a contemporary of Alexander and has been identified with Nanda even by the latest authority on ancient Indian history, namely, the Cambridge History of India<sup>1</sup>?

The truth of the matter is that argumentum ex silentio can never be regarded as of a perfectly reliable nature. And yet it is this argument that has unfortunately been indulged in by Prof. Winternitz a little too frequently. "Thus Megasthenes speaks of mile stones on the roads, which are unknown to Kautilya. According to Megasthenes water for irrigation is carefully distributed to private people, while Kautilya knows nothing of such a distribution of water, but mentions private water works. According to Megasthenes no private person was allowed to possess elephants or horses, but they were the monopoly of the king. Kautilva knows nothing of such a monopoly." <sup>2</sup> These are some of the statements which the Professor has made to show that Kautalya and Megasthenes are not in agreement and cannot therefore be contemporaries. What they amount to is just this: because Megasthenes makes mention of a thing about which Kautalya is silent.

<sup>&</sup>lt;sup>1</sup> Pt. I. pp. 430 and 469. <sup>2</sup> Cal. Rev., 1924 (Apl.) pp. 19-22.

it must necessarily follow that the thing did not exist when the latter-lived and that the two cannot therefore be contemporaries. In the same way we may argue like this: The Rajatarangini speaks of both Vākpati and Bhavabhūti as being contemporaries and proteges of Yaśovarman, king of Kanauj. Of these Vākpati alone refers to his patron in his Gaüda-vaho which describes exploits. But Bhavabhūti, although he composed no less than three dramas, speaks nowhere of Yasovarman, -which is inconceivable if he is his patron, but, on the contrary, says that all his dramas were acted before the god Kālapriya of Ujjain which is quite different from Kanauj. Are we therefore justified in inferring from this silence on the part of Bhavabhūti that he did not live in the court of Yasovarman and that both the poets did not live in the same period and also together?

It has also been argued by Prof. Winternitz that there is not only no agreement but positive discrepancy between the accounts of Megasthenes and Kautalya. The former emphatically states that there is no slavery in India, but both the Arthaśāstra and the Dharmaśāstras know different classes of slaves, male and female. But the greatest difference between them is found in their respective accounts of the administration. The organisation of the financial bureaucracy, the local or municipal administration and the military organisation as described by Megasthenes is so

essentially different from that set forth in the Arthaśāstra that the author of the latter cannot possibly be a contemporary of the former. Why such an excessive and implicit credence is attached to the statements of Megasthenes is far from clear. In the first place, it is worthy of note that what we know of his account is not from his original writings come down to us, but from fragments quoted from them by other authors. And even supposing for the moment that these fragments agree in certain substantial items, it does not necessarily follow that they were critically observed and correctly recorded by Megasthenes. We need not go to the extent of accusing him of mendacity, as his own countryman, Strabo, has But it cannot at all be denied that his reports are not very often accurate and reliable. This has been admitted frankly and unreservedly by Prof. Jolly. And even what Prof. Winternitz has said goes to confirm it. For Megasthenes tells us that there was no slavery in India, and even if we set aside the Arthaśāstra for the present, this statement is completely belied by what we find in the Dharmaśästras as has been remarked by Prof. Winternitz himself. Prof. Jolly, however, goes one step farther, and frankly tells us that "the idealising tendency in Megasthenes greatly impairs the trustworthiness of his statements." But what is most inexplicable in this connection is that while citing instances of this

<sup>1</sup> Kaut. Artha., Intro., p. 40.

idealising tendency, Prof. Jolly pits the evidence of the Arthaśāstra against the statements of the Greek writer, though the former in his opinion is much later in date. Two instances ought to suffice. Thus Megasthenes says that the Indians never took wine except at sacrifices. Prof. Jolly measures the truth of this statement with the contents of the Suradhyaksha Chapter of the Arthaśāstra, which contains recipes for the preparation of alcoholic drinks. Again, Megasthenes says that the houses and property of the Indians are generally left unguarded and that theft is of very rare occurrence. This the Professor tries to refute by drawing our attention to the chapter on robbery in the Arthaśāstra, which specifies various types of this crime and also the punishments that are to be inflicted. If this work is much posterior in date to Megasthenes, as Prof. Jolly contends, where is the necessity of bringing in its contents to disprove the statements of the Greek ambassador? Impartially speaking, the Hindus of the fourth century B.C. should be given credit for the virtues of abstemiousness and honesty for which Megasthenes has praised them, and it may be further inferred that the Indians lost these virtues in the third century A.D. when the Arthaśāstra was put up according to the Professor. call in question the veracity of the observations of the Greek writer by setting against them the evidence of such a late work as the Arthaśāstra? But we shall pass it over, as this presents not an

antiquarian problem, but a psychological puzzle. We cannot, however, sufficiently thank Prof. Jolly for giving his frank opinion of the worth of Megasthenes' account. . "Megasthenes" says he "was unacquainted with the languages and literature of India and his work, though earlier in date, is far inferior in intrinsic value to the Itineraries of the Chinese Pilgrims and to the great Arabian work of Alberuni on India." 1 It is therefore not only idle but uncritical to assign Kautalya to a later date simply because the contents of his work do not tally and are sometimes even discrewith those of Megasthenes' account. Again, it deserves to be further noticed that the Arthaśāstra portrays a state of society, not so much of the Mauryan, as of an earlier, period. For at the very beginning of the Arthaśastra Kautalya tells us that his book is but a compendium of the previous works on polity. And it is only in Chapter X of the Second Adhikarana which deals with the drawing up of royal writs that he seems to have brought its subject-matter up to date and made it conform to the actual practice of the day as we learn from the concluding verse. This is exactly in keeping with the fact that some of the manners and customs depicted in this work are of the pre-Mauryan period as has been pointed out by Dr. Shamasastry and as also we shall see later on.

We have thus disposed of most of the argu-

<sup>&</sup>lt;sup>1</sup> Ibid. p. 41.

ments advanced by Professors Jolly and Winternitz to prove that the Arthaśastra is much posterior to the time of Chandragupta, originator of the Mauryan dynasty, and that it could not have been the work of his prime-minister, Kautalya, supposing there was a historic personage of that name. We shall now consider the main arguments of each. We will begin with those of Professor Winternitz who adduces two such arguments. The first of these is that the Arthaśastra is a work, not of a statesman, but of a Pandit, and could not therefore have been composed by the prime-minister of Chandragupta. But is the life of a statesman incompatible with that of a Pandit? Whatever may be the case outside India, there is nothing irreconcilable between the work and function of a statesman and those of a Pandit, so far as this country is concerned. Here also two instances ought to suffice. The first is that of Hemādri who flourished during the reigns of the Yādava kings, Mahādeva and Rāmachandra (A.D. 1360-1309), and was minister to both. In almost all the copper plate inscriptions of these princes he is spoken of as their Śrīkaran-ādhipa or Chief Secretary who was in charge of the state archives and issued all orders on behalf of the sovereign. Although he thus led a strenuous political life as minister of the Yādava dynasty, he was a man of learning himself and wrote many voluminous works chiefly on Dharmaśästra. The second instance is

that of the two brothers Madhava and Sayana' who were similarly ministers of Sangama and Harihara I. of the Vijaynagar dynasty in the 14th century A.D. Although politics had engrossed the greater portion of their time and energy, they, being votaries of learning, did not find it impossible to compose a number of works connected with the Vedas and Indian Philosophy. will thus be seen that in India at least there was no divorce between the politics of a statesman and the learning of a Pandit. And it is quite conceivable that the two functions were combined also in Kautalya, who, though he was the head of the Mauryan administration, might have very well composed a work which was somehow related to politics though on its theoretical side.

But then Prof. Winternitz holds that the Arthaśāstra evinces the same predilection for endless and pedantic classification and definition as in other scientific works composed by Pandits. How far is this a fact? Does Kautalya give himself up to this vice to such an extent as to conflict with the mentality of a statesman? Personally I am of opinion that no book on practical politics written even by a Bismarck can be entirely free from theoretical discussions. Fortunately for us Prof. Winternitz gives us four or five instances to show what he means. Recently, however, Dr. Narendra Nath Law had occasion to examine these; and he has done it with such

fullness and lucidity that it is not necessary to take them all into consideration.1 one of these arguments may be here mentioned. The sovereign, the minister, the territory with its subjects and so forth, says Prof. Winternitz, form the seven prakritis or constituents of a kingdom (or state), and we have a long list of the good qualities which each of them should have. This is the first instance he has adduced to expose Kautalva's passion for pedantry. What he means is that a statement of the qualities that make any constituent of the State an ideal one has no meaning and can serve no useful purpose to a practical politician. But he forgets that this list of excellences is a sine qua non in the treatment of mandala, whose main object is to gauge the strength of one state against the neighbouring ones as every ruler is expected to do. This strength can be measured only by scrutinising how far the qualities of each constituent come up to or fall short of the standard such as that set up by Kautalya in that specification of excellences. It is not therefore proper to assert that this specification is but an outcome of his vice of pedantry such as would be worthy of a Pandit but not of a statesman. And, in fact, any one who carefully reads the Arthaśastra cannot fail to be impressed by the fact that the work com-

<sup>&</sup>lt;sup>1</sup> Cal. Rev., 1924. (Sept.) p. 512 & (Nov.), p. 228 & ff (Det.), p. 466 & ff. Studies in Indian History and Culture, by Narendra Nath Law, p. 209 ff.

bines the minimum of speculation with the maximum of practical wisdom.

The second main argument relied upon by Prof. Winternitz is just this: the Arthaśastra contains many discussions where the opinions of the different teachers of polity are enumerated one after another and refuted by that of Kautalya, ending with the words: iti Kautalyah. He further remarks that we generally find this mention of the name of a teacher in texts emanating from schools. What he probably means is that from this use of Kautalya's name in the third person it appears that the sūtras of the Arthaśāstra were composed, not by Kautalya but his successors in the school. Prof. Jolly holds almost the same view as that of Prof. Winternitz, when he says that "the numerous references to opinions of Kautilya in the body of the work are in the Tantrayukti Chapter (XV, 1) explained as coming under the head of Apadeśa or statement of the views of others, so that apparently they would not represent the author's own views" 1. But both these scholars forget that the use of one's own name in the third person is more modest and appropriate and is common to both the Sanskrit and vernacular literatures India. This is the reason why Medhatithi in his gloss on Manu-smriti, I. 4, says: prāyeņa granthakārāh svamatam par-āpadešena bruvate.

<sup>&</sup>lt;sup>1</sup> Kaut. Arth. (Pun. Sk. Series), Vol. I. Intro. p. 44.

<sup>&</sup>lt;sup>2</sup> Annals Bhand. Inst., Vol. VII. Pts. I.-II. p. 88.

Viśvarūpāchārya, who flourished earlier, says precisely the same thing in his comment on Yājñavalkya-smṛiti, I. 2. which runs thus: Bhagavat=aiva parokshīkṛity=ātmā nirdiśyate, svapraśamsā-nishedhāt. Yadi hi 'mām yogīśvaram' 'aham yogīśvara'-itibrūyāt,tad=ātma-stutir=āpad-yeta. In later times also Nānak, Tulsīdās, Kabīr-Tukārām and others invariably refer to themselves, not in the first but in the third person. But we need not dilate on this matter, as Prof. Winternitz admits that "it is, of course, possible that an author may state his opinion in this way."

We shall now consider the chief argument on which Prof. Jolly has taken his stand. So far as the external structure is concerned, the Arthaśāstra has a remarkably close correspondence with the Kamasutra. Thus the chapters of each end with the verses of the author, and in the case of quotations they are invariably indicated by a prefatory remark to that effect. Each, again, commences with a detailed table of contents. It can thus scarcely be doubted that both exhibit the same style of composition and could not have been separated from each other by any long interval. And if the Kāmasūtra has been assigned to the fourth century A.D., the Arthaśastra cannot be placed more than one or two centuries earlier. This line of reasoning is practically the same as that advanced by Sir Ramkrishna Bhandarkar, who, however, infers therefrom that the Arthaśästra is a work of the

first or the second century A.D.1 This is, indeed, the strongest argument that has been urged against taking Arthaśastra as a production of Kautalya and consequently of the 4th century B.C. So far as the style and structure of composition are concerned, they say that there can absolutely be no doubt as to one of these being a replica of the other. And when we bear in mind the fact that they have in common many phrases and sentences relating to polity proper and that in one case the Kāmasūtra clearly says that it was quoting from the authors of polity certain passages which are found word for word in the Arthaśästra, no question can arise as to the latter being anterior to the former work. But, for the reasons just stated, the Arthaśāstra, as it is at present, cannot be much anterior to the Kāmasūtra and cannot reasonably be taken to be earlier than the fourth century A.D. and possibly of the third. This conclusion seems almost irresistible. At the same time it is very difficult to avoid the conclusion that many of the customs and practices referred to in Arthaśāstra carry us to a period of at least the fourth century B.C., if not earlier. Such was the practice of keeping state-owned drinking saloons to supply liquor to men, women, and children of all castes, above all, of the drinking of of liquor even by Brāhmans. Similarly, the Arthaśāstra allows the killing of a Brähman

<sup>&</sup>lt;sup>1</sup> Proc. Fir. Or. Conf. (1919), Vol. I. p. 24 & 66.

for political offences, though through drowning, but such a thing is unthinkable from the first century A.D. onwards. Again, we read in this work of the exaction of religious taxes and also robbing the temples of their money by imposing upon the credulity and superstition of the people. we read there of the allowing of divorce between husband and wife through enmity, and of remarriage of women whose husbands had died or had long been absent abroad. Similarly, religious life depicted in the Arthaśastra was essentially different from that prevalent from the beginning of the Christian era onwards. worship of Vaiśravaņa and Mahākachehha and the practice of Atharvanic witchchraft and sorcery which are mentioned in this work seem to have entirely gone into desuctude in this last period.1 We are thus confronted with a puzzle. So far as the style and external form are concerned, the Arthaśāstra seems to belong to an early century of the Christian era; but, so far as its contents go. they reflect a phase of society which cannot be later than the fourth century B.C.

Now, those, who, on the grounds of style, assign this later date to the Kauṭalīya, do not seem to have properly grasped the full characteristics of its style. In fact, this work presents a curious blending of features which are noticeable in the composition of the different classes of writings.

Kauţilya's Arthaśūstra (trans.) by Shamasastry, Preface. pp. xviii-xix.

Thus if we for the moment exclude the opening and closing chapters of the Kautaliva, the whole of the remainder will be found written in a style which is a combination of prose and verse, sūtra and kārikā,—exactly in the style peculiar to the Dharmasūtras. We know that in the body of these Sūtras verses generally occur at the conclusion of a chapter, but are sometimes interspersed with the prose portion also and that in the case of the verses those which have been borrowed are indicated with words which show that they are quotations. Precisely these characteristics are shared and exhibited by the Kautaliya also. That almost every chapter of this work ends verses and that there is sometimes an with admixture of prose and verse in the portion preceding goes without saying. Again, on pages 367-8 are found two stanzas with the prefatory remark: ap=īha ślokau bhavatah. This remark unmistakably shows that these stanzas, at any rate, were not of his composition. And, as a matter of fact, we know that the first of these is met with in the Parāśara-dharmasamhitā and the second in the Pratijnā-Yaugandharāyana drama This trait of composition is noof Bhāsa.1 ticeable also in the Kāmasūtra, where, though there are many verses without any such preface, there are a few which are preceded with the remark bhavati ch=ātra ślokah. This trick of style is obviously intended to show that the verses

<sup>1</sup> Carmichael Lectures, 1918, p. 100.

.to which this remark is prefixed are not original, but borrowed from other sources. Where therefore this is not noticeable, the natural conclusion is that the verses form the author's own composition. We can therefore safely assert that all the verses occurring in the Arthasastra belong to Kautalva, unless the contrary is indicated. conclusion is further confirmed by the fact that we have at least two instances of verses prefaced by some words in the prose, which, each by itself, are unmeaning but which together make the sense clear and complete. This practice of combining a verse with prose to express one idea is often met with in dramas which are each the work of one individual author. This also indicates that the verses in question pertain to Kautalya.

It will thus be seen that so far as the style of the Arthaśāstra is concerned, it bears the closest correspondence to that of the Dharmasūtras. It is true that the Kāmasūtra also shares along with the Kauṭalīya all these features which constitute the style of the Dharmasūtras. But it would by no means be a logical procedure to drag down the latter to the age of the former simply on this ground. What is really noteworthy in this connection is that if we set aside for the moment the first and last chapters of the book, the full significance of which we will perceive later on, the whole of the remainder, which forms really the subject matter of the Arthaśāstra and em-

bodies the views of Kautalya, is found set forth, in the style of the Dharmasūtra and must therefore be assigned to a period ranging between seventh and the second century B.C. Nothing, therefore, precludes us from concluding that the work must have been composed by Kautalya, prime-minister of the Mauryan emperor Chandragupta. And the only question that now arises is whether it is possible to trace quotations from the Kautaliya quite upto that early period. We have already adverted to the great influence exerted by the Kautaliya on the law and literature of Ancient India. Let us begin from the mediæval period and see to what early age these quotations are traceable. Bhavabhûti flourished about the beginning of the eighth century puts the following into the mouth of Mālyavat in the fourth act of his drama, the Mahāvīra-charita: yath = oktam - laghv = api vyasana-padam=abhiyuktasya krichchhra-sādhyam bhavati. The published text of the Kautaliya 1 has the following: laghv = api vyasanam = abhiyuktasyakrichchhram bhavati. There can possibly be no doubt as to Bhavabhūti having quoted from the Kauṭalīya. Perhaps half a century prior to Bhavabhûti lived Dandin, who in his Daśakumāracharita refers not only to the work on Dandanīti composed by Kautalya but also quotes a verse from it.2 A work earlier than the time of

<sup>&</sup>lt;sup>1</sup> VII. 5, (p. 275).

<sup>&</sup>lt;sup>2</sup> Daśakumāracharita (Nirnaysagar Ed.), p. 261; Arthaśāstra, p. 249.

Dandin is the Nārada-smṛti, which has been taken to belong to the fourth or fifth century A.D. Prof. Jolly was the first to note that two verses almost at the beginning of this work are found among the ending verses of Book III, Chap. I of the Arthaśāstra. They are as follows:—

Dharmas=cha vyavahäras=cha charitram rāja-šāsanam ļ vivādārthas=chatushpādaḥ paschimaḥ pūrva-bādhakaḥ ¡ Tatra satyam sthito dharmo vyavahāras=tu sākshishu ļ charitram samgrahe pumsām rājāām=ājñā tu sāsanam [ Arthasāstra, BK, III.

Dharmaś=cha vyavahäraś=cha charitram rāja-śāsanam | chatushpād=vyavahāro=yam uttaraḥ pūrva-bādhakaḥ:
Tatra satām sthito dharmo vyavahāras=tu sākshishu | charitram pusta-karaṇe rājājāāyām tu śāsanam | Nārada-Smrti, I. 1-10-II.

Chap. I.

To about the same period belongs Vātsyāyana, the author of the Bhāshya commentary on the Nyāya-sūtra of Gautama. While extolling the merits of his science Nyāya-śāstra, also called Ānvīkshikī, he quotes one verse from the Artha-śāstra. It is as follows:—

Pradīpah sarva-vidyānām =upāyah sarva-karmanām āśrayah sarva-dharmāṇām Viddyoddeśe prakīrtitā || pradīpah sarva-vidyānām =upāyah sarva-karmanām āśrayah sarva-dharmānām śaśvad-Ānvīshakī matā!

Nyāya-bhāshya Arthaśāstra, BK. I, Chap. II.

The last line of this verse, which entirely varies and which refers to *Vidy-oddeśa*, the name of Chapter II of Book I of the Arthaśāstra, clearly shows that it is Vātsyāyana who is quoting.

Slightly anterior to the Nyāya-bhāshya comes the Yājñavalkya-smriti, the compilation of which is generally referred to 350 A.D. If any one care-

<sup>1</sup> Sacred Books of the East, Vol. XXXIII, Intro., p. xvi.

fully compares the parallel passages between this Smṛiti and the Kauṭalīya culled together by Dr. Shamasastry and Prof. Jolly, it gives the impression that one has borrowed from the other. And the former has adduced cogent reasons pointing to "the indebtedness of Yājñvalkya to Kauṭa-līya." Besides, any scholar who has studied law knows that this Smṛiti represents a stage of juristic science which is far, far more developed and advanced than the Kauṭalīya. The natural inference therefore ought to be that the Yājñaval-kya-smṛiti is the borrower.

Then I have elsewhere pointed out that there is one verse occurring on p. 219 of the Arthaśāstra which is found not only in Manu (XI. 180) but also in the Baudhāyana (II. i. 35) and the Vāśishtha (I. 22) Dharmasūtra, which pertain to the third or second century B.C.<sup>2</sup> The verse is as follows:—

Samvatsarona patati
patitena samācaran |
Yājau—ādhyāpanād=yaunat
taiś=c=ānyo=pi samācaran ||
Arthaśāstra.

Sainvatsarena patati
patitena sah=ācaran |
yājan-ādhyāpanād=yaunāt
na tu yān-āsanād=iti ||
Baudh. & Vās.

Now, it seems tempting to argue that as this verse is concerned more with Dharma than with Artha, Kauṭalya must be the borrower. But it is worthy of note that the Vāśisṭha-dharmasūtra quote this verse with the prefatory note  $ath = \bar{a}py = ud\bar{a}haranti$ . It is thus evidently a quotation.

<sup>&</sup>lt;sup>1</sup> Carmichael Lectures, 1918, p. 103, n. 2.

<sup>&</sup>lt;sup>2</sup> Camb. Hist. Ind., Vol. 1, p. 249.

Then, again, whenever this Dharmasūtra cites a verse from a work connected with Dharma-śāstra, it is careful enough to specify its name. Thus such verses in the Vāśishṭḥa are prefaced with ath such verses in the Vāśishṭḥa are prefaced with ath pāpi Bhāllavino Nidāne gāthām=udāharanti, or Hārito=py=udāharati, or Mānavam ch=ātra ślokam=udāharanti, and so forth. It is thus clear that the verse in question cannot be a quotation from a reputed work of Dharma-śāstra. And when, on the other hand, we bear in mind the fact that even Dharma Law was originally part and parcel of the Arthaśāstra, as is evident from the Book entitled Dharmasthīya comprised in it, the conclusion seems almost inevitable that the verse is really borrowed, not by, but from, the Arthaśāstra.

But Väsishtha is not the only Dharmasūtra which quotes from the Kauṭalīya. Prof. Jolly has already pointed out that the Sūtra: aurase trūtpanne savarņās—trītīy—āmśaharāḥ is common both to the Baudhāyana-dharmasūtra (II. 3. 11) and the Arthaśāstra (III. 7; p. 164).

Nay, there is one verse in the Arthaśāstra which has been traced in an earlier work still. There is one Chapter in the Kanṭalāya which is entitled: "Consideration of Profit and Loss in Men and Wealth." This Chapter closes with two verses, the first of which scoffs at placing too much faith in the stars. And it deserves to be noticed that practically the same verse is met

<sup>&</sup>lt;sup>1</sup> This was first pointed out by Mr. Narayan Chandra Banerji in Proc. and Transac. Sec. Ori. Conf. (1922), p. 477.

with in a Pāli Buddhist Jātaka. We will place both the verses side by side for comparison:

Nakhsatram=atiprichchhantam bālam=artho=tivartate; artho hy=arthasya nakhshatram; kim karishyanti tārakāh; Nakkhattam patimānentam attho bālam=upachchagā | attho atthassa nakkhattam kim karissanti tārakā !

Arthaśāstra, p. 351.

Jāt. I. 258.

There can hardly be any doubt as to one of these verses being a copy of the other. And the question arises: who borrowed from whom? we carefully read the Jataka, we find that the gāthā in question is by no means a necessity for the development of the story, which is quite complete and clear without it. On the other hand, the verse has its propriety only in the chapter of the Arthaśästra just referred to, and explains what immediately precedes it, that is, explains why 'faith in the auspiciousness of lunar days and stars' is 'an obstruction to profit.' Now, the Pāli scholars tell us that the canonical book of the Jātakas contains only the verses, and was composed before the time of Aśoka.1 then we have a verse cited from the Arthaśāstra in a canonical book of the Buddhists, which is believed to be prior to the time of Aśoka.

What is the upshot of this discussion? Dr. Shamasastry and others have already shown that the social life depicted in the Kautaliya cannot possibly be later than the 3rd century B.C. So far as the style of this work is concerned, we

<sup>&</sup>lt;sup>1</sup> Rhys David's Buddhist India, p. 206.

see that it imitates that of the Dharmasūtras which have been assigned to 400-200 B.C., and this is confirmed by the fact that texts from the Kautalīya have been quoted by Sanskrit and Pāli works which go, right up to the time of Aśoka. We have already seen that these features of the Dharmasütra style have been shared by the Kāmasūtra as well There are at least two more characteristics of the style, which are exhibited in common by the Kautaliya Kāmasūtra. Thus in both in regard to controverted point we find the views of the previous teachers marshalled out one after another and wound up and refuted by that of the author which is specified at the end. But this is a trait of style which is found also in the two sets of the celebrated Mīmāmsā-sūtras. The other characteristic exhibited by both is the detailed table of contents with which they open. It is this last point of resemblance which has been overrated and seized upon by some scholars for dragging down the whole of the Kautaliya almost to the time of the Kāmasūtra. But it is forgotten that the Kautaliya evinces a fourth trait of style, which, however, is conspicuous by its absence in the Kāmasūtra and which consists in setting forth in the last chapter a list of devices interspersed with many cross references in the body of the This feature of style it shares in common with Suśruta and Charaka, metrical works on the sciences of medicine and surgery, which have

been attributed to the early centuries of the These are technically called Christian era. Tantrayuktis which are thirty in number as in the case of the Suśruta, and are precisely the same except one.1 There can, therefore, be no doubt that so far as the opening and the concluding chapters are concerned, the Kautaliya has undergone some modification or rather amplification. And it may be asked: where was the necessity of these addenda to the original composition of the Kautaliva? This is the question that must arise in this connection. What appears probable is that when the popularity of the Arthaśästra increased, a sort of school came to be formed and associated with Kautalya's name, to represent his views, which, just because they were instinct with practical knowledge and political wisdom and had a unique character of their own. were fittest to be the centre of a school of polity.

We have already seen that the Kauṭaliya had come to be looked upon as a darśana by Kāmandaka (500 A.D.). Shortly before his time this school must have sprung into existence, and a necessity must have then been felt of imparting a finishing touch to the Arthaśāstra of Kauṭalya. It must, therefore, have been felt necessary not only to open the work with a carefully drawn-up table of contents, but also conclude it with a chapter of Tantrayuktis. When this process of embellishment was taking place, it is quite

<sup>&</sup>lt;sup>1</sup> My attention to it was drawn by Dr. B. M. Barua.

possible that a few strange or late things may have found their way into the treatise of the new budding school of polity, such for instance, as perhaps the two stanzas referred to above 1 and the references to Chīna, Hārahūra and so forth. 2 But the addenda referred to above are, be it noted, found only at the beginning and the conclusion of the book. The interpolations, again, if they are really so, are very few and very far between, so that the original text of the Kautalīya which is the present book minus its first and last chapters and which is in the old Dharmasūtra style seems to have remained practically intact.

<sup>&</sup>lt;sup>1</sup> Above, p. 54; I use the word 'perhaps' because it is quite possible to contend that they were *subhāshitas*, floating about in popular talk even from before the time of Kauṭalya, so that they could be borrowed both by him and Bhāsa.

<sup>&</sup>lt;sup>2</sup> Jour. R. As. Soc., 1916, p. 136. It is, however, quite possible to identify Chīna, not with China, but with the Shin tribe of Gilget, which still has the mulberry tree and produces silk (George Grierson's Ling. Surv. Ind., Vol. X. Pt. 4, p. 5, n), as was pointed out by K. P. Jayaswal in his Hindu Polity Pt. 1, p. 212, n. 1.

## LECTURE III.

## HINDU CONCEPTION OF THE STATE.

If India, as is commonly believed, never developed a feeling of nationality and has no place in the political history of the world, if from the beginning of India's history the religious institutions controlled the character and development of its people and made no provision for the interest of the State and the development of the race, how is it possible, it may be asked, for us to talk at all of the Hindu conception of the State? But this belief, we have now seen, has no grounds to stand upon. The recovery of Kautalya's Arthaśāstra has inaugurated an entirely new epoch in the study of Ancient India, and we have now to view this question from a different angle of vision in the light of the materials furnished by it. Even before this epoch-making work was brought to light, we had before us the treatise of Kämandaka called Nitisara which quoted the traditional view of the old authors of the Hindu Polity in regard to their idea of the State. And if we had not been obsessed with the notion that the Hindus never developed any science of politics or even any political sense, we should have long ago seen and considered that view. It is obviously the view

relating to the seven constituents of a State with which we are pretty familiar. They are Svāmin or the Sovereign, Amatya or the officials, Janapada (Rāshtra) or the Territory, Durga or the Forts, Kośa or the Treasury, Danda (Bala) or the Army, and Mitra or the Allies. These technically called the prakritis of a rājya. Now what do these terms signify? Let us see in the first place what Prakriti means here. As each one of these seven constituents is called a Prakriti and as the term ordinarily means 'nature, constitution, primary substance,' these Prakritis must be taken in the sense of the 'the natural constituents' of a Rājya. But what does rājya mean? Does it signify 'a kingdom,' 'a government' or 'a State'? It cannot have the first sense here. Because 'kingdom' as contrasted from 'State' means the 'dominion of a king.' But one of the constituents of rājya is svāmin who generally is the king himself. If the king is the lord and master of a dominion and is thus an entity separate from it, how can this dominion be described at all as comprising that king as one of its elements? Besides, 'dominion' means 'territory', and territory is already implied by the term janapada (rāshṭra), which is a component of rājya. Nor can rājya here be taken in the sense of 'government.' For government has been defined by modern day theorists as the "sum total of those organisations that exercise or may exercise the sovereign powers of

the State." An organisation that can exercise, such powers must be either individuals or groups of individuals. Two elements of the rājya, on the other hand, are durga and kośa, none of which consists of individuals or bodies of individuals, as both are purely material factors of the rājya. The word rājya must therefore be understood to mean, not a 'kingdom' or 'a government, one of whose members may very well be the king himself and some of whose components may be purely physical.

We have seen that rājya or State according to the Hindu conception consists of seven elements.2 Fortunately for us Kautalya and also Kāmandaka tell us what each one of them exactly denotes. It will be too tedious to set forth here all the details that have been specified by the former which go to make each an ideal constituent. This is one of the few places where Kautalya has thought fit to indulge in a little speculation. His object, we know, was severely practical. It is enough if we confine ourselves to the salient features of each constituent specified by him. Now, the first component of a rājya or State is the svāmin, who denotes the lord or the sovereign. This svāmin may be Sovereign One or Sovereign Number. The former of these is the king, and represents the normal type of

<sup>·1</sup> Dealey, The Development of the State, p. 144.

<sup>&</sup>lt;sup>2</sup> They are generally accepted as 'seven,' but, according to some authorities, they are 'eight.'

svāmin according to Kautalya. It is, however, worthy of note that when he specifies the essential qualities of a svāmin, nowhere does he even imply that he must be the king. These qualities he divides into four classes.1 The first comprises attributes which are of an inviting (abhigāmika) nature, that is, those which induce the people to approach him and follow his lead. The second class contains those which relate to his understanding ( $praj\tilde{n}\bar{a}$ ), and the third to his energy (utsāha). The fourth class includes qualities which go to constitute self-possession (ālmasampad). We are not here concerned with the various attributes comprised in those classes. But we may at this place take note of three of them. The first is that a svāmin must be a śakya-sāmanta, 'one whose neighbours are possible to control.' Then he must also be an akshudra-parishatka, 'one possessed of a not insignificant assembly of ministers.' The third requires that he should be endowed with the power of discerning the proper occasion for a treaty or war. If we now carefully consider these qualities, it will be seen at once that the svāmin is not a feudatory chieftain, but a veritable sovereign, owing allegiance to none. In other words, he is the ruler of one whole political organisation, and not of any part thereof. We shall see the full significance of this fact

<sup>1</sup> Arthaśāstra, p. 255 & ff.

when we compare the Hindu conception of the, State with that set forth in the modern books of political science.

The second constituent of the Hindu State is the amātya. The term is generally taken to stand for 'a minister,' but a careful perusal of the early chapters of the Arthaśāstra leaves no doubt as to its signifying 'any kind of high official.' Kauṭalya specifies also the good attributes that go to constitute an ideal amātya. Two of these alone need detain us. The very first thing insisted upon about him is that he must be a jānapada, a native of the country. The second quality that we may notice is dridhabhakti or steadfastness of devotion. It is further worthy of note that most of these amātyas were administrators and executive officials.

The third component of the Hindu State is janapada, which it is very difficult to translate by one single English word. Because here we have to take note of the two aspects of janapada dealt with by Kautalya. While specifying its characteristics, he says that a janapada should be devoid of miry, rocky, saline, uneven and thorny tracts, and be free from wildernesses, tiger and wild beasts and that it should teem with fertile lands, timber and elephant forests. When he gives this description of janapada, there can be no doubt that the term must be under-

stood in the sense of 'territory.' But some of the other characteristics he specifies are worth noticing. For Kautalya says further that the janapada shoud be śatru-dveshī or hostile to the foe, śakya-sāmanta or powerful enough to control the neighbouring kings, karmaśila-karshaka or inhabited by agriculturists capable of toiling and moiling, and bhakta-śuchi-manushya or containing people who are pure and devoted. When we take these characteristics into consideration, we cannot help thinking that this janapada must denote 'population, people'. In fact, the word in Sanskrit has both the senses, and what we have to note in this connection is that janapada, when taken as one of the prakritis of rājya, signifies not only 'territory' but also 'population.'

The next constituent of rājya is durga or fort about which Kauṭalya has supplied us with many interesting details. He lays down that on the frontiers of his kingdom, in all the four directions, a king shall construct forts, which are fit for fighting purposes. Whoever of the two kings, says he, builds an impregnable fort on a spot inaccessible by nature, with less labour and expenditure, overreaches the other. He specifies four kinds of fort, such as a water fort, a hill fort, a desert fort and a forest fort. The latter two are classed together as wild forts (aṭavī-durga),

<sup>1</sup> Ibid, pp. 51 and 296-7

and we are told that to these the water forts are superior and that the latter again are surpassed by the hill forts. The water and hill forts, again, are best suited to defend populous tracts, and the desert and forest forts serve best as headquarters of wild regions. The latter two also useful to a king for the purpose of flight in an adversity. So much in regard to the frontiers, but Kautalya also tells us that in a central place in his kingdom a king should establish the principal town which would be a seat of opulence. gives direction as to how a spot should be selected for this purpose, how the ditches should be excavated and filled with perennial water, how ramparts and towers should be constructed, how parapet walls should be built, and so on and so on. After supplying us with minute details about these fortifications, Kautalya proceeds to tell us how the interior portion should be planned and laid out. And just in this connection he gives us to understand that this durga or sthaniya is no other than the pura or capital town of the kingdom. This is just the reason why some authors such as Manu replace durga by pura in their enumeration of the seven constituents of the State.2 It is true that of all the places in a kingdom the capital town ought to be the best fortified one. But often this is not possible. Besides, it is absolutely essential, as Kautalya

<sup>&</sup>lt;sup>1</sup> pp. 54-6.

<sup>&</sup>lt;sup>2</sup> Manu-smriti, Chap. IX, v. 294.

has observed, that there should be fortified places on the boundaries for the effective protection of the kingdom. Hence it is safer to take not pura but durga as forming one of the prakritis of rājya.

As regards kośa or treasury which is the next component of the Hindu State that we have to consider, Kautalya says that the best of its kind should be rich in gold and silver and be replete with gold coins and gems, big and variegated, so that it could be capable of withstanding calamities for long and uninterruptedly. But he lays down that it should, above all, have been acquired righteously by a king himself or by his predecessors. All undertakings (of the State), says he, depend upon kośa, and hence foremost attention should be paid to it<sup>2</sup>. Various are the causes that conduce to the growth or diminution of treasury. All these have been mentioned by him. Some of these which contribute to the augmentation of the treasury are prachāra-samriddhi or opulence of the industrial departments run by the State. sasya-sampat or abundance of harvest, panyabāhulya or prosperity of commerce, and so forth. All these items fall legitimately under Vārtā, as Kautalya has explained it. And further he rightly observes that upon this Varta are almost solely dependent both the treasury and army of a king, by means of which he can control not

<sup>&</sup>lt;sup>1</sup> Arthaśāstra, p. 256.

<sup>&</sup>lt;sup>2</sup> *Ibid*, p. 65.

only his own but also his enemy's party.1 As, treasury forms such an important factor both of the internal administration of the state and its effective defence against foreign invasion, he allows a king to raise revenue by measures of doubtful quality, but only when his treasury becomes empty and he is in great financial trouble. These measures consist in levying a higher assessment on first-class and fertile land and more heavy taxes on the merchandise of rich merchants, securing benevolences, exploiting the superstitious nature and religious credulity of the people, confiscating the land of the seditious and the wicked, and so on and so on.2 These considerations clearly show what important part treasury plays in the maintenance of the internal and external independence of a State.

Another weapon like treasury which a king has at his command, according to Kauṭalya, is bala or army by means of which he can control both his own and his enemy's party. Bala, therefore, forms the sixth constituent of the Hindu state, Kauṭalya distinguishes six kinds of army, such as (1) maula or hereditary forces, (2) bhṛitaka or hired troops, (3) śreṇi or soldiers of fighting corporations, (4) troops, belonging to an ally, or (5) to an enemy, and (6) aṭavī-bala or soldiers of wild tribes. Curiously enough the Āchārya of

<sup>&</sup>lt;sup>1</sup> *Ibid*, p. 8.

<sup>&</sup>lt;sup>2</sup> Ibid, p. 240- and ff.

<sup>&</sup>lt;sup>3</sup> Ibid, p. 340.

Kautalya gives another description. He distinguishes between the Brahman, the Kshatriva, the Vaisva and the Sūdra troops, and maintains that the first is, on account of lustre, superior to that subsequently mentioned in this order of enumeration.1 Kautalya, however, expresses his dissent. He holds that the enemy may at any time win over the army of Brāhmans by means of prostration, but the army of Kshatriyas, being trained in the art of wielding weapons, is better, and so also the army of Vaisyas or Śūdras if they have great numerical strength. The ideal army, however, according to Kautalya,2 is the hereditary one that has come down to the king directly from his father and grandfather, which is ever pliant to his will, which has the sons, wives and dependants of its soldiers well-contented. which is not averse to making long sojourns. endowed with a power of endurance, which has fought many battles, which is skilful in the handling of all fighting implements, which is free from duplicity with the king in weal or woe, and which is composed of soldiers of the Kshatriva caste.

The seventh and last component of the State according to Hindu polity is Mitra or ally, two kinds of whom are acknowledged by Kautalya, namely, sahaja and kritrima. The latter or the acquired ally is one who is resorted to for the protection of wealth and life. The former whose

<sup>&</sup>lt;sup>1</sup> *Ibid*, p. 343.

<sup>&</sup>lt;sup>2</sup> Ibid, p. 256.

friendship is derived from the time of his father and grandfather and who is situated close to the territory of the immediately neighbouring enemy is obviously a natural (sahaja) ally. It is scarcely necessary to add that the sahaja is vastly superior to the kritrima ally. And if to the characteristics of the sahaja we add the qualities of being ever pliant, free from duplicity and capable of making preparations for war quickly and on a large scale, as Kautalya does, we obtain the ideal mitra or ally of the Hindu polity.

The above is a brief description of the principal characteristics of each one of the seven constituents of rājya or State. As these constituents have been designated prakritis or natural elements, it is plain that according to Hindu polity we cannot conceive of a whole and entire State without these seven components. They, in fact, denote the nature of a State. It would be interesting to determine how far this structure of a Hindu State stands the test of the definition of the State given by the modern authors of Political Science. Many are these authors, but we will select only three of them as being perhaps the best known on this side of India. They are Stephen Leacock, the writer of the 'Elements of Political Science,' J. K. Bluntschli, author of 'The Theory of the State' and Raymond Garfield Gettel, who has written 'Introduction to Political Science.' The

<sup>1</sup> Ibid, loc. cit.

first and the third of these authors lay stress on four essential factors of a State, namely, (1) a Territory, (2) a Population, (3) Unity and (4) Organization. Bluntschli admits these as essential, but adds one or two requisites of his own. Leaving aside the consideration of Bluntschli's view for the time being, let us see what the four indispensable factors of a State emphasised by the other two authors exactly mean. Let us first concentrate our attention on the physical elements, which include Territory and Population. The idea that there can be no State without the possession of a definite part of the earth's surface is so firmly imbedded in present political thought that it is scarcely necessary to say much about this fundamental requisite of State existence. The Hebrews constituted themselves into a State only on their conquest of Palestine but their modern descendants, being scattered abroad and dissociated from the occupation of any particular territory, can scarcely be thought to form a State. Of course, ideas may vary in regard to the extent of the area over which a State may extend. Butx there can be no two opinions as to a State being inconceivable without a definite territory. Equal-x ly necessary is a population, the second of the physical elements. 'It goes without saying that a territory must be inhabited to form a State. From the age of Aristotle up till the time of Rousseau, the authors of Political Science have made an attempt to fix definitely the number of

individuals that a State may comprise. This, however, is now considered to be exceedingly absurd. Nevertheless it has never been denied that an uninhabited portion of the earth, taken in itself, cannot form a State.

The two other essential characteristics of the State according to the modern political science fall under Sovereignty, and are distinguished into Unity and Organization. Unity means that the territory and population constituting a State must form a political unit. What is here insisted upon is that the State must be a political unit though it need not be a geographical one. The island of Haiti is no doubt a geographical unit but as it has been split up into two separate republics, it cannot represent the unity presupposed by a State. Similarly the so-called States of North America are not so many separate States from the viewpoint of political science, because they form parts of the wider political organization called the United States of America which themselves form one State. Unless the community forms one coherent whole politically, both in its internal and external relations, there can be no State. The fourth requisite of the State is Organization, which presupposes the distinction between the governors and the governed, the rulers and the subjects. Even granting that we have a population inhabiting a definite territory, and, being disconnected from the rest of the world, is in a sense a unit, it cannot be organized into a State until authority

is exercised by some of them over the rest. This submission may be given by mutual consent or exacted through compulsion. But unless there are settled relations of control and obedience, there would be no State.

The above, in short, is the definition of the State emphasised by the modern authors of political science. Let us now see how far it fits the State described by the Hindu authors of polity. first confine ourselves to its physical Let us characteristics which, as we have seen, comprise territory and population. It is scarcely necessary to state that both these requisites are covered by janapada which is the third prakriti of a rajya. It has been pointed out above that from the different characteristics specified by Kautalya, janapada denotes both territory and population; and, in fact, as this Sanskrit word has both these senses, Kautalya was in a way compelled to use one single term though he meant both these things as is obvious from the different attributes mentioned by him of janapada. Thus when he says that a janapada should be free from miry, rocky and saline tracts and also from wilderness, tigers and wild beasts and that it should abound in fertile lands, timber and elephant forests, we have, evidently a janapada in the sense 'territory'; and, further, when in the same breath, he tells us that it should be hostile to the foe or should be inhabited by hard-working peasants and contain men who are pure-hearted and devoted to

the king, there can possibly be no doubt as to this janapada standing for 'population' also.' No reasonable doubt need therefore be entertained as to the third prakriti, namely, janapada being co-extensive both with Territory and Population which form the physical constituents of the State from the standpoint of modern political science.

But what becomes of the other two essential characteristics, namely, Unity and Organization? Unity, we have seen, means that this state should denote one political unit. Is that idea involved in the composition of the Hindu State? This is the question that we have now to consider. The verv first prakriti is svāmin which means 'the lord or the sovereign.' This itself shows that the territory of which he is the lord must denote an independent entity, not forming part of a wider political unit. Similarly both this svāmin and his janapada are spoken of as śakya-sāmanta or powerful enough to repel the neighbouring kings. How is this possible unless svāmin and janapada form part of an independent political organization. Then, again, the last prakriti, according to Hindu polity, is mitra or ally, who is possible in the case of an independent State only. The different types of allies have been minutely described by Kautalya, and those who have read his work can scarcely entertain any doubt about their being allies of independent kings whose authority is supreme in their State. All these considerations point to the conclusion that this idea of unity as

understood by modern political science is certainly involved in the very conception of the Hindu The fourth requisite of the State, namely, organization, need not detain us very long. organization, as has been shown, presupposes the distinction between the governors and the govern-And it is hardly necessary to add that the enumeration of the prakritis clearly shows who are the governors and who are the governed. Obviously the svāmin or the lord and his amātyas or officials are the persons who are invested with this authority, and the janapada who form the population denotes the individuals who render obedience. Again, Organisation does not simply presuppose the distinction between the rulers and the ruled, but shows also the method by which authority is exercised by the former over the latter. It is not enough to distinguish between the sovereign and the subjects, but Organisation must denote also the way by means of which the State can enforce its will. This is beautifully indicated by the fourth, fifth and sixth of the parkritis, namely, durga, kośa and danda. If the sovereign authority expresses a will which the subjects at any time are in no mood to carry out, the former can administer it through the instrumentality of danda or army which alone guarantees the execution of its orders. But there can be no effective army, unless the State coffers are full and money is forthcoming not only for the payment of soldiers and its officers but also for mili-

tary appliances and equipment. It is, however, conceivable that a king may have a long purse, but that his subjects may be so disaffected or that a civil war may break out with such virulence that the army itself may cease to be reliable. Occasions may therefore arise which make it advisable for a king to flee to a place of safety for the time being till he is able to rally the discordant elements to his standard and assert his authority again. And what places other than fortified strongholds can offer this safety? The fourth requisite of the State, namely, Organization, must therefore be taken to point to not only to the distinction between the governors and the governed, that is between svāmin and amātya on the one hand and janapada on the other, but also to the different means which enable the former to exact obedience from the latter, such as, forts, treasury and army.

It has been mentioned above that all the four essentials of a State specified by Professors Leacock and Gettell have also been specified by Prof. Bluntschli, but that the latter mentions also a fifth requisite on which he lays great stress. According to his view, the state is not a lifeless instrument, a dead machine, but a living organism not of a lower but of a higher kind. In other words, in his opinion, the State (1) is endowed with spirit and body, (2) has members with various special functions, and (3) develops and grows. This or-

<sup>1</sup> The Theory of the State, p. 18 and ff.

ganic nature of the state, says the Professor, has not always been understood, and it is the special merit of the German school of historical jurists to have recognised it. An 'oil painting is something other than a mere aggregation of oil and colour, and likewise the state is not a mere collection of external regulations. Let us now see whether this notion of the organic nature of the state, if not exactly in this form, at least somewhat like it, was known to Hindu political thought or not. The seven Prakritis, it is worthy of note, have been called limb-like elements of the state 1. These limbs, of course, suggest the body (politic). Kāmandaka who follows Kautalya scrupulously explains it by saying that they constitute a state consisting of seven limbs which are mutually serviceable. This is expatiated upon by the commentator Śańkarārya by saying that this state is like a chariot consisting of several parts which are contributory to one another. The state was therefore conceived of as an organism like a chariot composed of parts fitted and subservient to one It may, however, be argued that the state is thus likened to a machine which is a dead and not a living organism-not an organism which has spirit and body. Is the state anywhere compared to such a spiritual organism in the books of Hindu Polity? It may therefore be worth while to turn our attention to another

<sup>1</sup> Arthaéastra, p. 257; Nitisāra, Canto IV, v. I.

simile indulged in by Kautalya elsewhere. "A svāmin says he, "when he is endowed with rich qualities, enriches the prakritis (the elements of the state) with his own richness. Of whatever character he is, of that character the prakritis become; because their progress and decline are dependent upon him. A svāmin is, indeed, their kūta-sthānīya or (Immutable) Spirit." Practically the same idea is expressed by Kāmandaka when he says that "A king like an inner soul (antar-ātmā) pervades this movable and immovable universe (only) when he controls the prakritis (the seven elements of the state; or the eight primary elements of creation)."2 is quite clear from this simile that the state is here looked upon by the authors of the Hindu polity also as a living spiritual organism, where the svāmin was the soul and the other six prakritis or natural constituents the body of that state. The simile even goes still further, for Kautalya admits that as svāmin is the spirit of the body politic, the latter grows or declines with him. Prof. Bluntschli also admits that the state, as a living organism, also develops and grows. This characteristic of the state does not thus seem to be lost sight of even by Kautalya. But the Professor, we have seen, also notices a third characteristic, namely, that the state, as a living organism has members with various special func-

<sup>&</sup>lt;sup>1</sup> Arthaéāstra, p. 320.

<sup>&</sup>lt;sup>2</sup> Nītisāra, Canto IV. v. 75.

tions. It is true that there is nothing in Kautalya which expresses that idea. Manu, however, has the following: "Yet in a state composed of seven limbs, which is upheld like the triple staff (of an ascetic), there is none more important (than the others), by reason of the importance of the qualities of each for the others. For each part is particularly qualified for (the accomplishment of) certain objects, (and thus) each is declared to be the most important for the particular purpose which is effected by its means." The second of these verses clearly shows that each prakriti has its special function, exactly as insisted upon by Prof. Bluntschli. The first verse, again, shows the paramount necessity of each prakriti in the organic whole of a rājya. Both these verses clearly express the conception of integration and differentiation involved in the organic unity of the state.

We must, however, notice the difference in the standpoint of both Hindu theorists and Prof. Bluntschli. When the latter speaks of a state in this connection, he means principally the national state of which the national spirit and the national will, apart from the average spirit and the average will of the multitude, form the spirit and the will of the state. When Kautalya, however, refers to a state, he has in view any kind of state, whether or not it is restricted to one race, nation, or

<sup>1</sup> Manu-smriti, Chap. IX, vs. 296-7.

people. The development of nationalism seems to be the chief goal according to modern political science, but in the time of Kautalya the Chāturanta State or the Imperial State over the whole Arvandom was looked upon as constituting the most coveted state according to Hindu polity, We have discussed, above, the passage where Kautalya considers Svāmin to be the spirit of the state. There he makes it also quite plain that so long as a king is possessed of the best qualities, he can make all the other prakritis rich and prosperous, although they are weak and impoverished. The same idea he has expressed elsewhere. Nav. Kautalya goes even one step further, and observes that rājā rājyam=iti prakriti-samkshepah, that is, the prakritis in epitome mean 'the king is the state.' 1 This remark of his cannot, however, be taken to be identical with the famous dictum of Louis XIV: L'état c'est moi, because the latter evidently implies that not only unlimited but also arbitrary power was centred in him. This is just what Kautalva could not have intended. Though he looks upon monarchy as the best type of the state, he tells us in at least two places that after all this king was a servant of the state.2 Unlimited power, no doubt, was centred in one single individual according to Kautalya, but its arbitrary use

<sup>1</sup> For a different interpretation see Śaṃkarārya's gloss on Kāmanda-kīya-Nītisāra, Canto VIII, v. 4. I am indebted to Mr. Harit Krishna Deb for drawing my attention to this.

<sup>&</sup>lt;sup>2</sup> This point has been developed in Lecture V.

could never have been contemplated, or even toler-Kautalya, like other writers of the ancient Hindu polity, is never wearied of impressing on the mind of the king the paramount necessity of controlling the satru-shad-varga, that is, the six passions.—kāma, krodha, lobha and so forth, which are the six enemies of the king. He even cites instances of rulers who have destroyed themselves, their families and their kingdoms by falling a prey to one or more of these malevolent affections.1 Similarly, in describing the qualities of the svāmin, Kautalya not only exhorts him to free himself from passions of the type just referred to but also lays stress on the fact that he must see through the eyes of the aged ministers about him and follow just that course of conduct that may be approved by them.2 The king is thus clearly advised not to allow caprice or any kind of arbitrary feeling to take possession of his mind in determining and pursuing the policy of his state. It is possible to contend that this after all is an exhortation to the kings, which had no bearing on real political life and which must more often have been observed in the Was it so really? Was it not in a way breach. forced upon the king by the circumstances of For it must be remembered that the period? slightly before the time of Kautalya, India was split up into a number of tiny, independent

<sup>1</sup> Arthasāstra, pp. 11-2.

<sup>&</sup>lt;sup>2</sup> The king should be not only vriddhopadeś-āchāra, but also vriddha-durśin (Arthaśāstra, pp. 257-58.)

states, each of which was ready to pounce upon. its neighbours at the least favourable opportunity. In these circumstances it was absolutely necessary for every king, not only to develop the qualities of manliness and diplomacy so far as foreign relations were concerned but also lead a life of public righteousness and unselfishness to ensure a good and peaceful government at home. ther in any particular kingdom the people were disaffected with their ruler or not was a point which the neighbouring princes were always careful to watch and detect. For the discontent of the subjects was looked upon as a serious flaw, almost a calamity, in a state, and invariably determined the foreign policy of its neighbour in regard to the extension of its boundary. Those who have read Book VII of the Kautaliya know it full well. But for those who have not studied this work, the following stray passage may be selected from it. The question is raised: which enemy should be marched against, an enemy strong but of wicked character or an enemy weak but of righteous character? Kautalya answers it by saying that the former should by all means be attacked, for though he is strong, his subjects will not help him, but, on the contrary, will either put him down or go over to the other side. "When a people are impoverished," says he, "they become greedy; when they are greedy, they become disaffected; and when they are disaffected, they voluntarily go to the side of the enemy or destroy their own mas-

It will thus be seen that both public opinibn and actual environments proved an effectual barrier against any king employing in an arbitrary manner whatever power he possessed and howsoever unlimited it might be in some cases. The home policy of a king has therefore been well enunciated by Kautalya, when he says that "in the happiness of his subjects lies the happiness of a king, in their welfare, his welfare. The king shall consider as good, not what pleases himself but what pleases his subjects." This policy was in a way forced on the king, especially in the period slightly prior to Kautalya. That the king should rule firmly, justly and righteously was the universal understanding of the people. And the political firmament of the time was in such a state of extreme tension that the king, if he was a wise ruler, could not afford to displease his subjects. On the contrary, he was compelled to use his physical, mental and spiritual powers to their very best, to keep them contented and well-disposed, and so develop the resources of his kingdom as to give him the richest treasury, the most loval and efficient army, and the most impregnable forts, not only to ward off attacks of his adversaries but also to be on the alert to pounce upon a weak and mismanaged state, and extend the bounds of his own dominions. This no doubt proved an effective check to the maladministration of any state.

<sup>&</sup>lt;sup>1</sup> Arthaśāstra, p. 277; also p. 259.

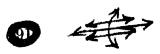
The ideal thus seems to have had some righteous aspect. And this was perhaps the reason why this universal conquest was associated with the performance of sacrificial rites and ceremonies such as the Rājasūya, Vājapeya and Aśvamedha, which imparted a religious character to it.

The prakritis enumerated by the political thinkers of Ancient India are intended to describe the nature of the state. Modern political science. no doubt, gives the definition of the state, but it is curious that it makes no attempt to set forth the exact-nature of it.' 'Territory' and 'population may be looked upon as elements of the state, but 'unity' and 'organisation' can scarcely be so described. The last two are not concrete things. They are characteristics, but not elements, of the state. They are useful for framing its definition, but not for describing its composition. polity not only tries to describe the nature of the state, but does it apparently with some exactitude and thoroughness. They not only fulfil modern definition of the state, but even enable us to determine in what respects this definition is perhaps somewhat deficient. The modern political thinkers think of the state statically and not dynamically. Their definition describes the state rather internally than externally. Hindu polity, on the other hand, looks at the composition of the state as a whole, that is, perceives it not as a thing in itself but as one political entity among and in relation to many. This is evident from the fact that one of the constituents of the state is *Mitra* or ally, who can figure only in the international sphere. This *Mitra* is the *Svāmin* of another state. This foreign but important aspect of it is made prominent by Hindu theorists whenever they describe the state.

## LECTURE IV.

## DIFFERENT TYPES OF STATES.

In this Lecture we shall attempt to survey the different types of states that were known to Ancient India and differentiate them one from the other. In the previous Lecture it was pointed out that monarchy was the norm Hindu state. The first question that therefore arises is: whether any forms or types of monarchy were recognised. Of course, there were paramount sovereign and feudatory or tributary The distinction between the two was always clearly indicated by the titles and epithets that were coupled with their names. became practically stereotyped in the post-Gupta period. Thus the rank of the supreme ruler was indicated by the titles: parama-bhattāraka mahārājādhirāja Parameśvara; and that of the feudatory chieftain by samadhigata-pañchamahāśabda mahasāmantādhipati. In the period preceding it, the distinction between a subordinate chief and an overlord was indicated by other titles, which varied with ages and with dynasties. They could, however, be hardly looked upon as constituting two distinct types of monarchy. But what was the state of things in the political India of the pre-Mauryan period? This is the question that we shall here first attempt to



tackle. There are five hymns in the Sukla-Yajurveda (XV. 10-14) in which a deity is addressed in five of the different ways in which the kings were styled in those days. Along with this mode of address five directions and five different classes of gods have been specified. Thus Rajan is associated with the east and the Vasus; Virāt, with the south and the Rudras: Samrāt with the west and the Aditvas: Svarat with the north and the Maruts; and Adhipati with the upper direction and the Viśvedevas. As no distinct countries or tribes have been mentioned here, the specification of the directions seems scarcely to have any value. Such is not, however, the case with a passage in the Aitareya-Brāhmana, which specifies different titles of kings prevailing in different countries. The passage in question relates to the coronation of Indra. The Vasus inaugurated Indra in the eastern direction for sāmrājya; hence the kings of the Prāchyas, we are told, are inaugurated to sāmrājya and called Samrājs. Then the Rudras inaugurated Indra in the southern region; hence all kings of the Satvats in the southern region are inaugurated to Bhaujya and called Bhojas. Similarly, the Adityas inaugurated him in the west to svārājya; hence all kings of the Nichyas and Apāchyas in the western direction are inaugurated to svārajya and are called Svarājs. Then the Viś-

<sup>1</sup> Ait. Br. VIII, 14 (Haug's Text, pp. 203-4).

vedevas inaugurated him to vairājya in the northern region; hence the peoples (janapadas) living in the northern region beyond the Himālayas are inaugurated to vairājya and are called Virājs. Then the Sādhyas and Āptyas inaugurated Indra in the middle region to rājya; hence the kings of the Kuru-Pañchālas together with the Vasas and Usīnaras are inaugurated to rājya and are called Rājans. Then the Maruts and Angirases inaugurated him in the upper region to pārameshṭhya, māhārājya, ādhipatya and svāvasya, which, be it noted, are not associated with any countries or peoples.

If we now carefully consider the passage referred to above, an impression is produced on our mind that the terms Samrāj, Bhoja, Svarāj, Virāj and Rajan were so many different titles of the ruler prevailing in the different parts of the country but denoting the same status. That they were royal titles belonging to the specific countries is shown also by the use of the term Bhoja, which is in no way connected with the root  $r\bar{a}i$ , and yet is found, like Rāshtriya, as a title of some early southern kings, in some cave-inscriptions of Western India. In this connection the following passage from the same Brāhmana (VIII.15) deserves to be further considered: sa ya=ichchhed=evamvit kshatriyam =(1) ayam sarvā  $jit\bar{\imath}r=jayeta;$  (2) ayam sarvān lokān vindeta; (3) ayam sarveskām rājāām śraishthyam=atishthām paramatām gachchheta—sāmrājyam Bhaujyam svārājyam vairājyam pārameshthy-

am rājyam mahārājyam=ādhipatyam; (4) ayam samantaparyāyī syāt—sārvabhaumah sārvāyusha  $\bar{a} = nt\bar{a}d = \bar{a} = par\bar{a}rdh\bar{a}t$  prithivyai samudraparyantāyā eka-rāl=iti. If we leave aside the first five words of this passage, we shall find that the term ayam is repeated four times and divides the various conquerors into four classes. The first two of these may be set aside, because they have not received any distinguishing names or epithets. This much, however, is certain that they were chieftains and petty rulers. The third class evidently represents those who were overlords. those who had obtained suzerainty over minor chiefs. In this class are included not only the Samrājs, Bhojas, Svarājs and Rājans, but also Parameshthins, Mahārājas, Adhipatis and so forth. As these latter, here as elsewhere, have been mentioned without any reference to any particular countries or peoples, it seems that they were general designations of royal authority. But in this list of royal ranks, the highest is that represented by Samanta-paryāyī, who is possessed of the whole earth (sārvabhauma), is the master of the totality of living beings (sarvayusha), and is the sole ruler (eka-rāļ) of the earth bordered by the ocean, up to its frontiers, and as far as (and including) its second half. Samantaparyāyī thus seems to denote a universal ruler.

<sup>&</sup>lt;sup>1</sup> That the word āyus in the Vedic times signified also 'the totality of living beings' may be seen from Rig-Veda, II, 38, 5; and VII, 90.6.

Whether the royal titles mentioned in the Aitareya-Brāhmana were accepted in these their imports and significances all over India even during the Brāhmana period is not certain. The term Svārājya e.g. occurs in the Taittirīya-Brāhmaņa,1 where it is explained as ya evam vidvān Vājapeyena yajati, gachchhati svārājyam, agram samānām paryeti, tishthante=smai jyaishthyāya. The word jyaishthya here seems to indicate the sovereign power not of some supreme monarch, but rather of some supreme elder or president of a republic; and Svārājya of this text apparently denotes the same thing denoted by the Vairājya of the Aitareya-Brāhmana. Again, the Satapatha-Brāhmana<sup>2</sup> lays down that the Rājasūya sacrifice is that of a Rajan, and Vajapeya that of a Samrāj, and that the latter is of a higher status than the former. Be that as it may, this much is certain that even in the Brahmana period three distinct grades were recognised in the monarchical rule, namely, that of the feudatory chieftain, the overlord, and the universal monarch.

It is rather curious that Samrāj and similar titles of suzerain power are nowhere traceable in Brahmanical, Buddhist or Jaina literatures during the post-Brāhmana period ending with the beginning of the Christian era. As regards Samantaparyāyī, this term also is not met with in this period. But there are other terms indicative of

<sup>&</sup>lt;sup>1</sup> I, 3, 2, 3. <sup>2</sup> V, 1, 1, 13; XIV, 1, 3, 8.

universal power which seem to have sprung up at this time and replaced it completely. Such terms are Sārvabhauma. Chāturanta and Chakravartin. The first of these is found mentioned in the Apastamba Śrauta-sūtra (XX. i. i) alone. But the remaining two are of more frequent occurrence, being traceable in all literatures. The Digha-Nikāya¹ of Pāli Buddhism has a Sutta entitled Mahā-Sudassana-suttanta setting forth the exploits of king Sudassana. He is therein designated as Chāturanta and Chakravartin, and described as subjugating the earth up to the borders of the four oceans. Similarly, the Jaina scriptural text of the Kalpasūtra<sup>2</sup> tells us that Triśalā had fourteen great dreams just as she was conceiving Mahāvīra in her womb and that when the interpreters of dreams were called in, they predicted that her son if he obtained a kingdom would be a Chāturanta Chakravartin and if he retired from worldly life, a Jina. Similarly, in the Mahāparinibbāna-sutta<sup>3</sup> Buddha compares Tathagata to a Chakravartin. Kautalya also speaks of the universal monarch as a Chāturanta or Chakravartin. Chapter I of Adhikarana VI. of the Arthasastra ends with verses, two of which, as we have already seen, clearly imply that a Chaturanta is one who subjugates the whole earth. Similarly, in another

<sup>1 (</sup>PTS.), Vol. 11, p. 169 ff.

<sup>&</sup>lt;sup>2</sup> (Ed. by H. Jacobi), pp. 52-3,§ 74 and 80; SBE., Vol. XXII, pp. 246-7.

<sup>3</sup> Dīgha-Nikāya (PTS.), Vol. II, pp. 141-2.

place he thus describes the extent of a Chakra; vartin's domain 1: deśaḥ prithivī; tasyāṃ Himavatsamudr-āntaram=udīchīnam nava-yojana-sahasraparimāṇaṃ tiryak 2 Chakravarti-kshetram.

("The territory (to conquer) is the earth; the space intervening between the Himālayas and the ocean on that (earth), which is nine thousand yojanas in extent, running northwards (udīchīna) obliquely (tiryak), is the sphere of a Chakravartin."

This passage has not been properly understood and consequently not properly translated. Kautalva evidently has here the whole Bhāratavarsha in view. In his opinion he whose dominion extends over the whole of this country is the Chakravartin. And while defining the limits and extent of this Bhāratavarsha, he shows his indebtedness to the Purana. Precisely these limits and this extent have been specified in the Vayu-Purana (Cap. 45, vs. 80-7) and also the Matsya-Purāna (Cap. 114, vs. 9-15). Thus both these Purănas tell us that this country, which is surrounded by the seas, stretches from Cape Comorin to the source of the Ganges and is one thousand yojanas from south to north (dakshin-ottaram), but is nine thousand yojanas in extent, running northwards obliquely, and that he who conquers it whole is known as Samrāi.

<sup>&</sup>lt;sup>1</sup> Ibid:, p. 340.

<sup>&</sup>lt;sup>2</sup> I have here adopted the reading of Śaṃkarārya from his gloss on Kāmandakīya-Nītisāra, Canto I, v. 39, as it suits better the texts of the Purāṇas referred to below.

In his translation of the passage from the Mahāparinibbana-sutta where Tathagata is compared to Chakravartin, the late Prof. Rhys Davids remarks that there could not have been any Chakravartin in India before the time when the Maurya king Chandragupta raised himself to power. This view will hardly commend itself to the impartial students of Hindu polity. For, in the first place, so far as we know, Chandragupta never made himself master of the whole of India. Even his grandson, Aśoka, who added Kalinga to the dominions of his imperial family, had not subdued the four tiny states of extreme South. Nor anywhere in his epigraphic records does he assume the title of Chakravartin. It must not however be thought that the title of Chakravartin had really fallen into desuetude about this time. For Kharavela who flourished about the beginning of the Christian era calls himself the Chakravartin of Kalinga.<sup>2</sup> Secondly, corresponding to the Chakravartin of the early Buddhist period we have Samanta-paryāvī of the Aitareya-Brāhmana, which names more than half a dozen of kings who had subjugated the whole earth and were consequently entitled to the use of that epithet. There is therefore nothing to prevent us from supposing that universal monarchs were known to India prior even to the time of Chandragupta, the founder of the Maurya dynasty.

<sup>&</sup>lt;sup>1</sup> SBE., Vol. XI, p. 92, n. 2.

<sup>&</sup>lt;sup>2</sup> H. Lüders' List of Brāhmī Inscr., No. 1346.

<sup>3</sup> VIII, 21.

We have seen that curiously enough, the regal titles of the Brāhmana period are not traceable in the literatures ranging between 500 B.C. and 100 A.D. Some of them are however to be met with in later times., e.g. in the Amarakosha. Thus the terms virāj, svarāi and samrāj occur in this lexicon, but with varying significations. Thus virāj is given as a synonym of kshatriya, and svarāj as another name of Indra. Samrāj is explained as denoting apparently, three different things:—(1) the performer of the  $rajas\bar{u}ya$ , (2) controller of rajans, and (3) lord of a mandala, that is, denoting the universal monarch, suzerain, and feudatory chieftain. The special terms. however, employed in this lexicon, indicative of these ranks, are Chakravartin, Adhisvara and Mandaleśvara. In still later times, these and other terms denoted the different grades of monarchy corresponding to their incomes. the Śukranīti i gives the following table:

```
3 lacs of silver Karshas.
            from
Sāmanta,
                   1 to
Māndalika,
                         10
Rājan
                  11 ,,
                         20
Mahārāja
                  21 ,,
                         50
Svarāi
                  51 ,, 100
Samrāj
                         10 Crores of ..
               9 +
Virāj
                         50
                              ,,
Sārvabhauma ..
                  51 & crores upwards.
```

It will be seen from the above discussion that what are generally supposed to be the different

<sup>&</sup>lt;sup>1</sup> I, 182 and ff.

types of monarchy are really different grades in monarchy. But were there, as a matter of fact, any forms of monarchy? An old Jaina canonical text refers in one place to the countries which are tabooed for a Jaina monk to visit. One of thèse is do-rajja, which means, of course, a rule of two kings. Kautalya also refers to it as dvairājya, and remarks that such a government perishes through mutual hatred, partiality and rivalry.2 This must be the reason why a Jaina monk is advised not to reside in such a country. Do-rajja must have been something like the State of Sparta ruled by two kings. In fact, Diodorus speaks of Alexander sailing up the Indus and coming to Tauala, "a city of great note, with a political constitution drawn on the same lines as the Spartan; for in this community the command in war was vested in two hereditary kings of two different houses, while the council of elders ruled the whole state with paramount authority." 3 This no doubt represents one type of dvai-rajya, but Kautalya speaks of another which consisted of the joint rule of father and son or of two brothers.4 According to this type, the rule remained with two kings of one and the same house. The joint coins of Lysias and Antialkidas,

<sup>&</sup>lt;sup>1</sup> Ayaramga-Sutta (PTS.), H, 3. 1.

<sup>&</sup>lt;sup>2</sup> Arthasāstra, p. 325. But from a variant noticed below it appears that this was the view, not of Kautalya, but of his teacher.

<sup>&</sup>lt;sup>3</sup> Mc. Crindle's Ancient India, Its Invasion by Alexander the Great, p. 296.

<sup>4</sup> Arthaéāstra, p. 325, footnote.

Strato I and Agathocleia, Stratos I. and II., Azas and Azilises, Vonones and Spalahores, Chashtana and Rudradāman I. clearly indicate conjoint rule of another type in Ancient India.¹ Of these Vonones and Spalahores indicate the dvai-rājya of two brothers, and, Azas and Azilises, Stratos I and II and Chashtana and Rudradāman, that of father and son or grandson.

A third type of monarchy which is somewhat akin to the Samgha form is that hinted in a verse of the Arthaśāstra,2 namely, kulasya vā phaved= rājyam kula-samgho hi durjayah. What Kautalya means is that a kindgom may sometimes belong, not to any ruler individually, but to a royal family collectively. The sovereignty of such a kingdom is then vested in a kula-saingha, to adopt his phraseology. Two instances of this monarchical Samgha are known. Before the Mauryas came to power, the country of Magadha, we know, was ruled over by the Sisunaga and Nanda dynasties. The last but one prince of the former was Kālāśoka, and the Mahavainsa tells us that after him the kingdom was held by his ten sons, not successively but jointly. Similarly, in regard to the latter dynasty the Purānas inform us that the Nandas

<sup>1</sup> Ind. Ant., 1923, p. 279.

<sup>&</sup>lt;sup>2</sup> P. 35. In my opinion, kula of this verse signifies 'a family.' not 'a clan.' The first verse describes an alternative in the enjoyment of sovereignty, namely, that it may go to the eldest son in a royal family. If it cannot be held by one single prince, the other alternative must naturally be that it might he shared collectively by all the members of that family. Kula must therefore mean here 'a family,' and not 'a clan.'

consisted of one father and eight sons who exercised collective supremacy over their empire. These are obviously instances of the *kula-samgha*, where the kingdom is held, not by one member, but all the members, of a royal family.

So much for monarchy; and we shall now proceed to consider the other forms of sovereignty that were known to Ancient India. A study of Pānini's Sūtras tells us that up till his time at any rate there were many countries named after the Kshatriya tribes which were settled there. This conclusion is confirmed also by epigraphic and numismatic evidence though of a somewhat later period. The Kshatriyas were the fighting and ruling tribes, and it is therefore natural that districts and provinces conquered and occupied by them should be called after them. further about these Kshatriya tribes? Were they invariably of a monarchical constitution? Was the political power always centred in the hands of only one or more or all members of the ruling family of the tribe? Here Kātvāyana comes to our help, who, while commenting on a Sūtra of Pāṇini, tells us that the Kshatriya tribe may be ekarāja 'possessed of Individual Sovereign' or a sampha 'having Collegiate Sovereign.' Now, what is this word sampha? It does not denote a mere collection, a promiscuous conglomeration, which is really signified by samphāta, but rather a combination of individuals for a definite pur-

<sup>1</sup> Car. Lect., 1918, pp. 82-3.

pose, a corporation. 1 It will be easily seen that there can be as many classes of Samghas as there are kinds of purposes with which they are started. Thus if we have a fraternity composed of persons devoted to a particular set of religious beliefs, we have a religious Samgha, the most typical example of which is the Buddhist Samgha. may also have a Samgha for the purpose of trade and industry, that is, a trade or craft guild, or Sreni as it has been specifically called in Sanskrit. A third class of Samgha is āyudhajīvin as Pānini calls it or śastropajīvin as Kautalya styles it, both expressions meaning 'a corporation of men subsisting on arms.' This Samgha denoted tribal corporations of fighting people, who were seldom settled permanently in any province or country. But whenever they were settled, no doubt temporarily, over any tract of land, they subsisted not only upon their arms but also upon agriculture. This is the reason why Kautalya<sup>2</sup> speaks of them as vārtā-śastr-opajīvinah. also developed a patriotic feeling for the country where they were so settled, and hence kings have been directed by Kautalya to seek the aid always of such fighting corporate tribes as belonged to his janapada. That they were not however entirely bereft of their migratory habits may be seen from the fact that Kautalva 4 recommends kings in the case of turbulent

<sup>&</sup>lt;sup>1</sup> Car. Lect., 1918, p. 141 and ff.

<sup>&</sup>lt;sup>2</sup> Arthaśāstra, p. 378.

<sup>&</sup>lt;sup>3</sup> Ibid., p. 345.

<sup>4</sup> Ibid., p. 379.

Samphas either to expel them altogether from his kingdom or divide and settle them in the different parts of the country. So far as this fighting character of the Sampha was concerned, they had generally a tribal constitution of their own, which was akin to the democratic form. But it can scarcely be considered to be political, as they seldom had any political sway over any tract of land.

It is true that the Samghas described above had no political character, but we can certainly have a political Samgha or a corporate body of individuals for the purpose of governing or ruling over a territory. And it is this Samgha which Kātyāyana has in view when he contrasts it with an ekarāja Kshatriva tribe. It is difficult to translate it by any single English word, but the term 'republic,' as understood in classical political philosophy, makes the closest approach to it. There is a passage in the Auguttara-Nikāya1 which specifies a list of rulers from the king downwards. In the concluding portion of it, we are told that one class of rulers was Pugagāmanika, Chiefs of the Pūgas, and below them in rank are the Chiefs of Kulas. About the last we are told that they by turn exercised rule (ādhipatya) over the Kulas. This is another form of the Kula-sampha; but the word Kula, be it noted, here signifies not 'a family' but 'a clan.' Unfortunately, this Sanskrit term has both the

<sup>&</sup>lt;sup>1</sup> (PTS.), Pt. III, pp. 76 and 160.

senses, and we must therefore be careful in finding out which sense at any particular time is intended. The Kula-sampha of the Kautalīva denotes the corporation consisting of the members of a royal family. But the Kula power referred to in the passage from the Anguttara-Nikāya denotes the rule of a clan. A typical example of this last is furnished by the Śākyas, to whose race Buddha belonged. The Kunāla-Jātaka describes a feud between the Śākyas and their neighbours the Kolivas. This account affords us a few glimpses into the nature of the Śākva state. It appears that their settlements consisted of serfs and labourers, the attendants, villageheadmen (Bhojaka), councillors (Amātyas) and Vicerovs (*Uparājas*). As regards the ruling class it seems to have been divided into families, the heads of which were all called Rajans or kings. Their sons were consequently known as Kumāras or princes. "A single chief-how, and for what period, chosen, we do not know--was elected as office-holder presiding over the sessions, and if no sessions were sitting, over the state.2" was such an office-bearer who was the ruler or Jetthaka of the Kula, as we are informed by the Anguttara-Nikāya. There can be no doubt that this was a kind of political rule, because the Śākya clan, as we are told, had their vicerovs. councillors and village-headmen:

<sup>1</sup> Jat, Vol. V, p. 412 and ff.

<sup>&</sup>lt;sup>2</sup> Rhys Davids' Buddhist India, p. 19.

The second form of the Sangha rule is represented by the Puga or Gana, which according to Kātyāyana, the author of a Smriti, is an aggregation of families (kulānām tu samūhas=tu Ganah sa parikīrtitah). The religious Samghas were often constituted after their political proto-The founder of Jainism was a Kshatriya born in a suburb of Vaiśālī, capital of the Lichchhavi Gana, and himself related to a Chief of It was, therefore, quite natural this Gana. that he should have formed his congregation after the model of the Gana which he knew best. We know that the Jaina Sanigha was split up into a number of Ganas, the Ganas into Kulas, Kulas into Śākhās, and Śākhās into Sambhogas. It is quite certain that the political Gana was similarly divided into a number of Kulas, and it is possible that these Kulas were further divided into Śākhās, and Śākhās into Sambhogas, exactly as was the case with the Jaina Samgha. ter 107 of the Santiparvan throws further light on this subject. The members of a Gana are there said to be exact equals of one another in respect of birth and family, and it is expressly stated that if quarrels broke out amongst the Kulas, the Elders of the Kulas should by no means remain indifferent, otherwise the Gana would be dissolved. This also clearly shows that Gana in its specific sense denoted therule of a federation of families, whether they belonged to one clan or one tribe. We further learn that

a select few were appointed by a Gana from among themselves called Mukhyas or Chiefs, as we also learn from the Kautaliya. constituted a sort of cabinet, and were in charge of the department of espionage and of all state affairs of a highly confidential character. Though the real power, as a rule, lay in the hands of a few only, every member of the Gana was styled Rājan. Kautalya distinguishes between kinds of Sangha, one of which alone is a political corporation. He styles it rāja-śabd-opajīvin, that is, (an organization), the members of which live upon the title Rājan. The members themselves called by him rāja-śabdins. receives support from the Lalitavistara which says about the Lichchhavis that ekaika eva manyate aham rājā aham rāj=eti, that is, "every one thinks 'I am king; I am king'" when none of them singly or properly was What this exactly means it is difficult to say. But it seems that every member of such a Saingha assumed the title of a king and exacted, from the people of his domain, land and such other taxes as were due to a king only. He thus subsisted on the title of a king that he bore, though his power was limited to a small tract of land. The individual members may not each be a 'king' in the real sense of the term, but that they together formed a political Samgha can scarcely be doubted. One Sutta of the Majjhima-Nikaya introduces us to

<sup>&</sup>lt;sup>1</sup> Lefmann's Ed., p. 21. <sup>2</sup> Pt. I, p. 231.

a discussion between Buddha and a Jaina monk called Sachchaka. In the course of the discussion the former asked whether Pasenadi, king of Kosala, or Ajātaśatru, king of Magadha, had power to banish, burn, or kill a man in his dominions. the time of the discussion some Lichchhavis were present; and, pointing to them, Sachchaka replied that if the Samghas and Ganas, like the Lichchhavis or the Mallas, had this power in their own kingdom, certainly Pasenadi and Ajātaśatru did possess it. This indicates that the Samgha had much less political power than a king. And when even this little power possessed by the Saingha is divided and perhaps subdivided among its numerous members, it is ridiculous to say that each member was a real Rājan or king though he may call himself to be so for the purpose of eking out a living.

Various are the examples of the Gana state. Kautalya mentions no less than seven, namely, Liehchhavis, Vrijikas, Mallakas, Madrakas, Kukuras, Kurus and Pañchālas. In another place in his work he speaks of the Vrishni Sanigha also. The first of these is the Liehchhavis who were practically the same as the Vrijakas. Fertunately for us we possess better and more detailed information about them, and are in a position to know something definite about the constitution

<sup>&</sup>lt;sup>1</sup> It is possible that the Lichchhavis and Vrijakas were two clans of one tribe. See Majjhima-Nikāy-aţṭhakathā on Mahāsīhanāda-sutta.

of their state. Let us cull together all the pieces of information bearing on this point that are available. The preambles of the Jātakas¹ tell us in two places that there were as many as 7.707 Lichchhavi kings, staying at Vaiśālī to administer the affairs of the state. The Kalpa-sūtra of the Jainas, however, speaks of them as only nine.2 The discrepancy can perhaps be explained by saying that the latter number represents the Chiefs of the Kulas or clans, who formed the cabinet. Each Kula thus roughly comprised 855 members who styled themselves Rajans, -which is not a big number considering that the Kulas were divided into Śākhās and the Śākhās into Sambhogas and that according to the Hindu custom all brothers are entitled to a share in the paternity. As time rolled on, these numbers must have increased, and this seems probably to be the reason why the Mahāvastu 3 speaks of the twice eightvfour thousand Lichchhavi kings residing in Vesäli. One Jātaka 4 further informs us that there were as many Uparājas or Viceroys, Senāpatis or gene-

<sup>1</sup> III. 1; IV, 148.

<sup>&</sup>lt;sup>2</sup> Sacred Books of the East, Vol. XXII, p. 266.

<sup>&</sup>lt;sup>3</sup> Vol. 1, p. 271. This shows to what impoverished condition the Lichchhavis must have been reduced in later times. This brings another instance to my mind. At Ghaţiyālā in the Jodhpur State, Rājputānā, there were as many as twenty Jūgīrdārs, though it was an insignificant village, and it was therefore no wonder if some of them came to serve us when I was encamped there in January, 1907 (*Prog. Rep. Archæol. Surv.*, West Ind., 1906-7, p. 34). Yet they took pride in calling themselves Jūgīrdārs.

<sup>4</sup> Vol. I, p. 504.

rals, and Bhāṇdāgārikas or Treasurers staying with the kings at this capital, that is, 7,707 each.3 This number seems to be somewhat excessive. but, considering the pride of the title each inherited, a Lichchhavi king must have been compelled to maintain this office staff for the sake of his prestige in spite of his slender That the Lichchhavis were and jealous of their title of Rajan is evident from the fact that they had their coronation ceremony performed. We read of there having been a special pushkariņī or tank in Vesāli, the water of which was used to sprinkle their heads while being crowned. The tank was considered very sacred, and was therefore covered with an iron net so that not even a bird could get through, and a strong guard was set to prevent any one taking water from it. When and how many of the Lichchhavis at a time were crowned is not clear. But it seems probable that on the death of a Lichchhavi king it was his sons, succeeding to his title and property, who were crowned kings. This information of the Lichchhavis (Vrijjis) of being in large numbers and composed of the old and young agrees well with the description given by Buddha at the beginning of the Mahāparinib-The same text tells us that they bāna-sutta. carried out business together, which consisted in enacting nothing not already established, abrogat-

<sup>1</sup> Car. Lect., 1918, p. 149 and ff.

ing nothing already enacted, and acting in accordance with their ancient Institutions as established in former days. This points to the whole tribal body of the Vrijjis, exercising the function of a legislative assembly. The Atthakatha and Sumangalavilāsinī, which are commentaries on the Buddhist Pali canon works, afford us some interesting glimpses into the manner in which Law was administered in their state. When a culprit was found, we are told, he was in the first place sent to an officer called Vinischaya-Mahāmātra. If he was found guilty, he was transferred to the Vyavahārika, then to the Sūtradhara (Rehearser of Law maxims), Ashta-kulika (officer appointed over eight kulas), Senāpati (general), Uparāja (Viceroy), and finally to Rājan (king). The Rajan consulted the Pavenipotthaka or "book of precedents," and inflicted a suitable punishment.1 Of these the Uparāja and Senāpati, we have seen, stayed with their Lichchhavi master in Vesäli along with the Bhändägärika. These, being the superior officers, the Lichchhavi kings, kept with themselves in the capital town, leaving in their respective patrimonies their subordinate staff, such as the Vinischaya-Mahāmātra, Vyavahārika and so forth.

† It will be seen that the Gana was a tribal oligarchy, a federation of clans. What appears to be the case is that each clan had its separate

<sup>1</sup> Ibid., pp. 154-6.

autonomy, corresponding to the kula-sampha of the second type adverted to above, and that all clans formed themselves into a tribal Samgha or confederacy for self-preservation and common tribal good. This is what, I think, we have to understand by a Gana. There were many Ganas spread all over India, especially North India. Kautalya, we have seen, mentions eight of them. Of these, two were settled in East India. They are the Lichchhavis or Vrijikas and the Mallas. The former held Videha and parts of Kosala and had their capital at Vesāli, which has been identified with Basarh in the Muzaffarpur District of Behar. The capital of the Mallas was Kusinārā or Kasia in U.P., thirty-seven miles east of Gorakhpur. Of the remaining five the Kurus were settled round about Indraprastha near Delhi, and the Pañchālas round about Kampilya or Kampil between Budaon and Farrukhabad in U.P. The Madrakas occupied the country between the Rāvī and the Chenāb in the Panjāb. There thus remain the Kukuras and the Vrishnis. The former were descendants of Kukura, son of Andhaka Mahā-Bhoja, and must therefore have been known also as Andhakas and Bhojas. Vrishnis were the descendants of Vrishni, younger brother of Andhaka. It appears from a passage in the Mahābhārata<sup>2</sup> that both these clans which are there called Andhaka-

<sup>1</sup> F. E. Pargiter's Anc. Ind. His. Tradition, pp. 105-7.

<sup>&</sup>lt;sup>2</sup> S'āntiparvan, Chap. 81.

Vrishnis formed one Samgha—a conclusion which is supported also by a Sūtra of Pānini, and that whereas Krishna as a Samgha-mukhya or Chief represented the Vrishnis, Babhru and Ugrasena represented the Andhakas. We are further informed that these clans included the Yadavas. Kukuras, Bhojas and so forth, that they each consisted of the two divisions, lokas and lokeśvaras. the people and the rulers, and that their joint rule was known by rāja-śabda, that is, it was a rājaśabdin Sanigha, as Kautalya would call it. From the Mahābhārata passage it is also clear that quarrels had arisen between the two parties even in the time of Krishna. And though they were quieted by him for the time being, it appears that they afterwards became so acute that the league was dissolved. This seems to be the reason why Kautalya speaks of the Kukuras and the Vrishnis separately. That there was this divorce effected between the two may be seen from the fact that later. Vrishnis had their own coinagecoinage struck in the name of Vṛishṇi-rājanya-Gana alone, without any reference to the Kukura or Andhaka clan. Coins of other Ganas also are known, such as of the Mālavas, Yaudheyas, and so forth, but in the legends on them they are. as a rule, referred to simply as the Malavas and the Yaudheyas, but sometimes with the political designation Gana. But in no case does the

<sup>&</sup>lt;sup>1</sup> J.R.A.S., 1900, pp. 420-1.

phrase rājanya-gaņa occur as on the coins of the Vrishnis. What could be the significance of the term rajanya prefixed to Gana here? interesting light is thrown on this point by Pānini's Sūtra referred to above, namelv.  $r\bar{a}j\dot{a}nya$ -bahuvachana-dvandve = (A)ndhaka-Vrishnishu (VI. 2.34). The insertion of the word rājanya in this aphorism clearly shows that there were some members of the Andhaka and Vrishni groups who were not rājanyas. Now the term rājanya has been explained in the Amarakosha by mūrdhābhishikta, which signified 'a consecrated king.' Evidently this means that the Andhakas and the Vrishnis contained amongst them some who were not Kshatriya scions of crowned kings, that is, they contained lokas as well as lokesvaras, to borrow the expression of the Mahābhārata passage adverted to above. But as Gana is composed of Kshatriyas who could become kings, it was thought necessary to insert the word rajanya after Vrishni on the coins, in order to exclude the proletariat.

The Greek historians who wrote accounts of Alexander's invasion of India make mention of several Samphas and even offer remarks in the case of some in regard to their constitution. One such tribe in the Punjab may be noticed here. It was settled on the lower Chenāb called Sambastai by Diodorus and Sabarcae by Curtius. In regard to this people they say that they were a powerful Indian tribe, obeying their elders and dwelling in cities where the form of government was demo-

cratic and not regal.¹ This means apparently that the tribe was divided into a number of clans, each one of which stayed in its own city and ruled according to the Kula democratic form. We are not here told that the different clans united themselves into a Gana, dwelling in one single capital town for the common weal of the federation. If this Greek account is not untrustworthy, it points perhaps to a state of things which prevailed before the various clans of the Sambastai or Sabarcae tribe formed themselves into a Gana confederacy.

It deserves to be noticed that some of the Ganas noted above were originally monarchical in form. Such were, for instance, the Kurus and Pañchālas in the sixth and fifth centuries before Christ. The Jātakas in early Pāli literature clearly give us to understand that they were not Sampha but ekarāja Kshatriya tribes, that is, tribes each governed by one ruler.2 Though they were thus originally monarchical, they seem to have become oligarchic in the fourth century B.C. when Kautalya lived. What may have happened is that at one time in the history of this clan the sovereignty came to be divided equally among the members of the royal family as was the case with the sons of Kālāśoka of the Śiśunāga dynasty and that each one of these brothers may have develop-

<sup>&</sup>lt;sup>1</sup> J. W. Mc. Crindle's Ancient India: Its Invasion by Alexander the Great, pp. 252 and 292.

<sup>2</sup> Car. Lect., 1918, p. 164 and ff.

ed a separate clan in his own name. The political power thus came to be centred in the hands of a few families who ultimately constituted the Gana. Another instance of a monarchical tribe, becoming non-monarchical in form, is furnished by the Yaudheyas who seem to have occupied the Eastern Panjab. It is well-known that the Yaud. heyas are spoken of by Pāṇini as an āyudha-jīvin Samgha, 'a corporation subsisting on arms.' But then from his Sūtra IV. I. 178 it is clear that they were one of the very few āyudha-jīvin tribes which had a political character and that, in this particular, they had a monarchical constitution. About the beginning of the Christian era, however, they seem to have acquired greater political power and also glided into a Gana. Of the Yaudheyas we have not only coins ranging between 50 and 350 A.D., but also an inscription found at Bijayagadh near Byana in the Bharatpur State.1 Though this is but a fragment, enough of it has been preserved to show that it is a record of one who was Mahārāja and Mahāsenāpati and also a leader (puraskrita) of the Yaudheya Gana. title Mahārāja must have belonged to him as a mere member of the Gana. But, as the designation Mahāsenāpati shows, he must have been elected their general and remained so in the year 371 A.D., the date of the inscription. And as the word puraskrita indicates, this Gana did not

<sup>1</sup> Corp. Inscr. Ind., Vol. III. p. 252

reserve the executive power to its whole self, but delegated it to a cabinet of Mukhyas. As the Yaudheyas were an āyudha-jīvin Samgha and developed their fighting qualities to such an extent as to adopt the epithet of vīra, as is clear from the Junāgadh inscription of Rudradāman, it is intelligible that he who was their Senāpati should particularly be looked upon as a leader.

The name of the tribal oligarchy, as we have seen, is Gana. But the word Gana does not seem to have acquired this exclusive sense before the first century B.C. The earliest instance of the use of this term in this specific sense is furnished by the coins of the Malavas, which contained this word in this sense in the legends. If we, however, go to an earlier period, we find that the terms Sampha and Gana have been used synonymously to denote 'a corporation in general.' The word, that seems to have been employed specifically to denote the tribal oligarchy prior to the Christian era, was Pūga, which, for instance, is met with in Pānini V.3.112. In the Dharma-sūtras and the Dharmaśāstras, Pūga and Gana have been used perfectly synonymously. That Puga was possessed of some political character is shown by the Vinayapitaka laying down that no female thief shall be consecrated as nun without the permission of the Pūga if she happens to fall within its jurisdiction.2 Again, if we consider carefully the passage from

<sup>1</sup> Ep. Ind., Vol. VIII, p. 44., ll. 11-2.

<sup>&</sup>lt;sup>2</sup> Bhikkhunî-Pâtimokkha, samghadidesa, 2.

the Anguttara-Nikāya referred to above, we shall find that the ruler of a higher order than the Chief of a Kula is therein specified to be the Pūga-gāmanika, which the commentator explains by Gaṇa-jeṭṭhaka (Chief of a Gaṇa). No reasonable doubt need therefore be entertained as to Pūga being used in earlier times to denote the tribal oligarchy for which in later times the word Gaṇa was specifically used.

We do not know to what earliest period the existence of this political Samgha can be traced. There is however a hymn in the Rigveda<sup>1</sup> which "As the kings  $(r\bar{a}j\bar{a}nah)$  assemble together in the Samiti, the plants (ashadhi) gather together in him who is called a physician, one who heals disease and destroys demon." This hymn seems to refer to the rule of a State, not by a single king but by several. There are passages even in the Atharva-Veda which refer to the members of an oligarchy.<sup>2</sup> As Gana is a system of government which is tribal in character, it is not at all impossible that it may have come down from the Rigvedic period. But as we are not treading here quite on terra firma, we shall not lay much stress upon it. As regards the late period up to which the Gana form of state persisted, we may here note the fact that Varāhamihira, who flourished 3 in the sixth century A.D., speaks in his work

<sup>1</sup> X, 9. 16.

<sup>&</sup>lt;sup>2</sup> Zimmer's Alt Indischen Leben, pp. 165 and 176:

<sup>3</sup> Chap. IV, c. 24; Chap. XIV. v. 14.

entitled *Brihatsamhitā* not only of Gaṇa-rājyas, that is, kingdoms of the tribal Gaṇas in Southern India, but also of Gaṇa-Pungavas or Heads of Gaṇas such as the Mālavas, Kaulindas and Sibis.

Side by side with Gana or tribal oligarchy, there were other forms of the political Samgha flourishing in Ancient India. We have in this connection to take note of a twofold kind of democracy, one styled Nigama which was confined to a town and was a citizens' democracy, and the other Janapada which extended over a province and was tribal in character. We are not here referring to the power which the people of towns and provinces. called Paura and Jānapada respectively, sometimes wielded in the administration of a country, and which is often alluded to in the epics, law books and epigraphic records, but which was seldom of a political character. We are here referring to those cities and countries, which enjoyed political autonomy as attested, for instance, by the coins they issued. Long, long ago Sir Alexander Cunningham picked up some coins from the Punjab, which were nearly of the time of Alexander. Bühler was the first to point out that they had on the obverse the word negamā and on the reverse various names, such as Dojaka, Tālimata, Atakatakā and so forth.1 Bühler rightly took negamā to stand for the Sanskrit naigamāh, but wrongly understood it in the sense

<sup>&</sup>lt;sup>1</sup> Car. Lect., 1918, p. 175 ff; 1921, p. 6.

of 'a guild.' The word naigamāh may mean traders' or 'merchants,' but never 'a guild,' for which we have the term śreni. It is natural to take this word in the sense of 'a body of citizens' for which we have the authority of the works on Hindu law. The Nārada-Smriti specifies organizations such as the Naigamas, Srenis, Ganas and so forth; and this term naigama has been explained as paurāh or citizens. The law-giver Yājñavalkya too speaks of Naigamas side by side with Srenis, Pāshandis and Ganas, and the commentary Bālambhatti explains it by nānā-paura-samūhāh, that is, aggregations of the manifold citizens. No doubt need, therefore, be entertained as to the coins of Sir Alexander Cunningham being the civic coins struck by the people of the cities of Dojaka, Tālimata and so forth. This no doubt reminds us of similar coinages of the Phocæa, Cyzicus and other Greek cities, and further points to the fact that the Naigama or civic autonomy was as conspicuous among the Hindus of the old Panjab as among the Greeks on the western coast of Asia Minor. That a province autonomy, or Janapada as it was called, was not unknown to India is clear also from a study of coins. Thus we have one type bearing the legend: rājaña-janapadasa= (coin) of the Rājanya people. Rājanya here does not signify a Kshatriya or the Rajput title Rāṇā, as is generally supposed, but rather, a people

<sup>&</sup>lt;sup>1</sup> Ibid., 1918, pp. 172-4; 1921, p. 7.

named Rānā, such as the Rānās of the Panjab hills or Ranas of the Goa territory. The second class of coins, we may note, contains the legend: Majhimikâya Śibi-janapadasa = (coin) of the Śibi people of the Madhvamikā (country). There were two peoples of the name of Sibi, one in the Paniab and the other in south-east Rājputānā. latter have thus been distinguished from the former by the specification of their country Madhyamikā, the province round about Nagari in Mewār, Rājputānā. As issuing coins is an indication of political power, this Janapada may rightly be considered as a democracy and hence one distinct form of the political Sanigha. The existence of the Janapada State in India is traceable to a still earlier period. Thus in the Aitareva-Brāhmana we have a passage which refers to the different forms of kingly power. This we have considered above. There we are told that the kings of the Prāchvas, of the Satvats. and so on, are, when crowned, designated respectively Samrājs, Bhojas, and so forth. that the Janapadas called the Uttara-Kurus and Uttara-Madras are styled Virājāh when they are consecrated to sovereignty.2 Janapada is here contrasted with Rajan, and must therefore denote

<sup>&</sup>lt;sup>1</sup> J.R.A.S., 1907, p. 409; 1908, pp. 540-1. J. Ph. Vogel's Antiquities of Chamba State, Pt. I., p. 110 f.

<sup>&</sup>lt;sup>2</sup> What is meant by the coronation of the Janapada democracies? Probably it refers to the consecration of their Presidents when elected.

a country democracy. And it is quite possible that the title *Virājāh* mentioned above must be taken to mean 'kingless, without king,' as was first pointed out by Martin Haug. But as Rājanyas, Śibis, Kurus and Madras are names of tribes, the Janapadas represented by them seem to be tribal democracies.

We thus perceive that there were many types of republics in Ancient India, tribal and civic, and it may now be asked: what was the procedure which governed their deliberations. It is a pity that no treatise of polity, or, for the matter of that, no work of literature exists which has preserved for us either the constitution or the rules of debate which controlled these political corporations. Fortunately for us we have some rules preserved for the Buddhist Samgha in the Vinaya, Piţaka. This code of procedure must have been the same for all Sanighas, whether political, commercial or religious. Let us therefore try and understand what the set of rules was for the Buddhist Samgha. The first point to note is the order of precedence according to which seats were assigned to the Bhikshus. There was a special officer Āsana-prajñāpaka, whose duty was to see that they received seats according to their dignity and seniority. The deliberations are commenced by a mover who announces to the assembled members what motion he is going to propose.

<sup>1</sup> Car. Lect., 1918, p 180 and ff.

This announcement is called Jñapti. Then comes the second part of the procedure which consists in putting the question to the Samgba whether they approved the motion. It may be put once or thrice. In the former case the Karma or formal act is called Jñapti-dvitīya, and in the latter. Jñapti-chaturtha. We will give an instance to explain what it means, and quote it from the Mahāvagga. Buddha lays down the following rule in regard to the Upasampada ordination. "Let a learned competent Bhikkhu," says he, "proclaim the following natti before the Samgha:

"Let the Samgha, reverend Sirs, hear me. This person N.N. desires to receive the upasampadā ordination from the venerable N.N. (i.e. with the venerable N.N. as his upajjhāya). If the Samgha is ready, let the Samgha confer on N.N. the Upasampadā ordination with N.N. as upajjhāya. This is the natti." Now what follows is Karmavāchā, which is placing the motion before the Samgha for discussion and execution (Karma), and is in every case accompanied by the formal repetition of the Jñapti (Natti). In the present case the Karmavāchā is repeated thrice. I therefore quote here what follows.

"Let the Samgha, reverend Sirs, hear me. This person N.N. desires to receive the upasampadā ordination from the venerable N.N. The Samgha confers on N.N. the upasampadā ordination with N.N. as upajjhāya. Let any one of the venerable brethren who is in favour of the

upasampadā ordination of N. N. as upajjhāya be silent, and any one who is not in favour of it speak.

- "And for the second time I thus speak to you: Let the Samgha (etc., as before).
- "And for the third time I thus speak to you: Let the Sanigha, etc.
- "N. N. has received the upasampadā ordination from the Samgha with N. N. as upajjhāya. The Samgha is in favour of it, therefore it is silent. Thus I understand."

It will be seen that the above motion has been thrice put to the assembly, and that we have here three Karmavāchās and one Jñapti. It is thus Jñapti-chaturtha Karma. A Karma or official act of the Saingha to be valid must comprise one Jñapti and one or three Karmavāchās. motion was placed before an assembly and all those who were present remained silent, it was said to be carried unanimously. But if any discussion or difference of opinion arose, the matter was decided by Yebhuyyāsikā, that is, the vote of the majority. This voting was by ballot, and was done by the distribution of tickets or śalākās as they were called; and the Bhikshu who collected them was designated Salākā-gahāpaka. any member of the Samgha was too ill or disabled in any other way to attend a meeting, he could give an absentee vote known as Chhanda. Nay, if it was feared that enough Bhikshus might not be forthcoming for any particular meeting, they secured the necessary quorum by sending the Ganapūraka, who necessarily was the 'whip.' These details are enough to show that the code of rules. which regulated the business of the Assembly, was of a highly specialised and developed character, such as is observed by the political bodies of the modern civilised age. When I first expressed these views in 1918 in one of my Carmichael Lectures before the Calcutta University, I was afraid that they would not be regarded as sober and cautious conclusions, but rather as prompted by a patriotic bias. Fortunately for me, no less a statesman and scholar than Lord Ronaldshav thinks that I have handled this topic not only in an interesting but also in a scholarly manner, and agrees that "the description of the procedure given in the Buddhist books shows how remarkable is the resemblance between that of the assemblies of two thousand five hundred years ago and of those of the present day." 1 What is noteworthy is that practically none of the terms technical to Samgha debate have been anywhere explained by Buddha. Had he himself been the inventor of them, it would have been imperatively necessary for him to explain their meaning in extenso. Evidently he borrowed these terms, which were already well-known in his time and which therefore called for no explanation. can, therefore, be no doubt that the various techni-

<sup>1</sup> India: A Bird's Eye View, p. 34.

cal terms and rules of procedure which the Budona adopted for his religious Samgha were those which were already in vogue with the institutions of a democratic type, whether political, municipal or commercial, for the transaction of their business.

## LECTURE V.

## ORIGIN OF THE STATE.

We have seen what conception the Hindus of Ancient India had of the State, its nature and types; and we shall now examine what theories they formed in regard to its origin. Kautalya, we have seen, observes in one place that rājā rājyam=iti prakriti-samkshepah, that is, the prakritis, put in a nutshell, mean: 'the king is the State.' The king, being the soul of the body politic, thus represents the State. The Hindus seem to have hardly developed any republican form of political government which was not tribal in character. This is the reason why monarchy was the norm of the State according to almost all the political thinkers of Ancient India. we, therefore, have to consider the various theories propounded about the origin of the State, they, are really theories about the origin of kingship. Then again we have to remember that no work on Hindu polity prior to the age of Kautalya has been recovered. There must have been systematic treatises of an earlier age setting forth these theories with fullness and self-consistency. Kautalya's Arthaśāstra, however, as we have seen, aims at handling the practical side of politics, that is, acquisition and administration of a

<sup>1</sup> VIII. 12 (Haug's text, Vol. I, p. 201; trans., Vol. II, pp. 514-5).

kingdom, and refers to theoretical discussions only by the way and very briefly. Similarly, we have such works as the Brahmanas, and some parts of the Buddhist literature, which throw occasional lights on such matters. But we have the Mahābhārata which throws somewhat a. greater light on the subject. We have here not only multifarious theories, but also somewhat fuller details of each But even these cannot be reasonably expected to approach the character of a system. Nevertheless, it is not only interesting but highly profitable that such scattered rays as have been incidentally emitted by these works should be brought to a focus. When these scraps of information are pieced together, they will be found to fling an agreeable surprise on us, because they contain many elements which are supposed to have been first thought of and developed by the political thinkers of the west. too it has to be borne in mind that these resemblances are traceable, not in toto, but only in some (though important) elements.

The earliest discussion about the king's origin that is traceable is contained in the Brāhmaṇas. The subject in hand in these Vedic compositions is: the sovereignty of Indra. But man makes gods after his own image, and consequently the celestial sovereignty of the divine Indra was but a reflex of the earthly sovereignty of the human king. Thus the Aitareya Brāhmaṇa has the following about Indra when it treats of the Mahā

bhisheka ceremony: "The gods, headed by Prajapati, said to one another (pointing with their hands to Indra): 'this one is among the gods the most vigorous, most strong, most valiant, most perfect, who carries out best any work (to be done). Let us install him (to the kingship over us).' They all consented to perform just this ceremony (mahābhisheka) on Indra." is the passage we have from the Aitareva Brahmana in regard to the origin of Indra's sovereign-Indra, it is clear, derived this sovereignty from the election of the gods, Prajapati, being one, though the chief, of these electors. bears resemblance to the social contract theory of the western political thinkers, in that he was elected to kingship by the class of beings to which he belonged.) The most important feature, however, of the theory is conspicuous by its absence, namely, the governmental pact entered into by both the parties. So this is a theory of social contract which is yet in an inchoate condition and has not become full-fledged. As regards the other account of the origin of Indra's kingship, it occurs in the Taittiriya Brāhmana. There we are told that Prajāpati created Indra as the youngest (in years) among the gods, and sent him to the celestial world, saying: 'Be thou the lord of these gods.' The gods asked: 'Who art thou? We indeed are superior to thee; Indra returned. and informed Prajapati of what they had said. Now at that time there was on Prajapati that

lustre (haras) which is found in the sun. 'Give this to me,' said Indra, 'so that I may become the lord of these gods.' 'And what (kah) shall I be on giving this?' interrogated Prajāpati. 'Remain this (that is, kah) which thou hast uttered,' rejoined Indra. They know him by great name who know that Ka is, indeed, Prajāpati. Here it will be seen that Indra owes his sovereign position entirely to the will of Prajāpati, and is even endowed with his lustre. The notion of kingship involved in this account thus tallies pretty closely with the theory of the divine origin of sovereignty, as we shall see presently.

It will thus be seen that, both the conceptions of the origin of kingship had been to some extent evolved even so early as the time of the Brahmanas. It is not, however, possible to trace the germs of any one of them to an earlier period. It is true that there are texts in the Vedic Samhitas where kings have been identified with one or another of the Vedic deities. But, in the first place, none of them had acquired the position of Supreme God as Prajāpati did in the Brahmana period or Vishnu in the epic, as we shall see shortly. Again, a king obtained the identity of a god, not as king, but as the performer of a sacrifice. And in fact, such a performance conferred this unique exaltation on any sacrificer, be he a Rajanya, a Brāhman or even a Vaisya.

<sup>&</sup>lt;sup>1</sup> Taittirīya-Brāhmaņa, 11. 2, 10, 1-2.

Very little of political thought is traceable in Buddhist literature, whose main object was not to expatiate on things mundane, but rather to describe whatever contributed to the spiritual growth of an individual. The Digha-Nikāva of the Southern Buddhists, however, gives the story about the origin of monarchy in its description of the origin of the world. Practically the same story, either in full or in an abbreviated form, we find repeated not only in the Mahavastu, a canonical work of the Northern Buddhists, but also in the post-canonical literature of such widely separated countries as Ceylon, Burma, and Tibet. The story in the Digha-Nikāya, which is called the Aggaññasuttanta or a book of Genesis 1 shows that the sovereignty originated in a social contract. To begin with, human beings, we are told, were made of mind, and were self-luminous. fed on rapture, and traversed the air in abiding loveliness. Sooner or later the savoury earth had arisen over the waters. Colour it had, and odour and taste. They set to work to make the earth into lumps and feast on it. As they did so, their self-luminance vanished away; and the sun, the moon, the stars, night and day, the months, the seasons and the airs became manifest. They continued, however, enjoying the savoury earth. Sooner or later, evil and immoral customs became rife among them, and the savoury earth dis-

appeared. Then the outgrowth of the soil and the creepers appeared, and they lost each in succession through their evil and immoral customs. Lastly, appeared rice without powder, without husk, which they took away every evening only for it to grow ripe again the next morning. from evil and immoral customs powder and husk enveloped the clean grain, and where they reaped there was no re-growth now. There was thus a break, and the rice-stubble stood in clumps. They then divided off the rice fields, and set up boundaries round them. Now, some being of greedy disposition, watching over his own plot, stole and made use of, another plot. They caught and reprimanded him. A second time he did so; and yet a third. They now took him and smote him with the hand, with clods, and with sticks. In this manner theft, lying, reviling, and assaulting made their appearance. upon those beings gathered themselves together, and, after taking counsel, selected the most handsome, gracious and capable individual from amongst them, addressing him thus: "Come now, good being, do punish, revile and exile those who well deserve to be punished, reviled and exiled. We will contribute to you a proportion of our rice." He consented and did so; and they gave him a proportion of their rice. Because he was chosen by the whole people (mahājana-sammata), he was called Mahā-sammata (the Great Elect). Because he was the lord of the fields (khettānam patīti) he

was called Kshatriya (Noble). And because he delighted others by observing the established law (dhammena pare ranjetīti), he was called Rājan.

Let us now consider the leading features of this theory. The first in importance, of course, is the contract between the king and the people, the second is the state of society immediately preceding it, and the third is the state of nature. As regards the first of these items, there can be no doubt that there was a governmental compact according to this story. The Kshatriya or Rajan, who denotes the ruler, was mahā-sammata, or actually elected by the people, to censure and banish those who deserved to be censured and banished. For this they promised to pay him a portion of their paddy. That this was not a one-sided contract is clear from the fact that the ruler so elected consented to do this duty, and actually received a portion of rice from them. can thus be absolutely no doubt as to this being a governmental compact. But what was the state of things before the king was elected and authority transferred to him? From here the story does not present any features, having any close correspondence to those of the Western Theory. according to the story, men no doubt appear to be living in aggregation, but whether they had framed an actual code of laws for the preservation of their society is not clear. We are simply told that the rice fields belonging to one man were demarcated from those pertaining to another, and

that when, inspite of this setting up of boundaries, one man encroached upon the plot of another, he was at first admonished but afterwards seized and beaten. This cannot be taken as indicating that there was in existence any definite code of law which they drew up for the purpose. rather points to their following general principles which were inherent in human nature itself. other words, it bears some resemblance to Locke's state of nature. There is thus no clear evidence that there was any social compact which preceded the governmental compact. The third part of the story relates to the formation of the human beings and the worldly objects. There was nothing vile, sordid or corrupt about them to begin with. This was the state of nature before any society or government was organised, which was therefore one of peace and freedom. During this period they do not seem to have been subject to any laws of human creation or enforcement. be it noted that they could hardly be called human beings in this their original condition, as they were all made of mind and were self-luminous.

It is necessary to remember in this connection that there will scarcely be found any theory propounded in Hindu books of polity and scriptures which will be exactly identical with the Social Contract theory of the Western theorists in all its three essential factors. Sometimes one, and sometimes two, of these factors are traceable, but

nowhere in the Mahābhārata, Purāna or Arthaśāstra has been found any Hindu theory which is exactly co-extensive with that of the West in all respects. This difference is natural and even desirable, because the Hindu mind worked in different environments and in a different direc-But what seems to be a most important thing here to insist upon is that there should be clear evidence of a governmental compact drawn up between the two parties, that is, between the people and the ruler elected. In this respect the story of the Digha-Nikāya entirely agrees and indicates a great advance upon the account of the origin of kingship furnished by the Aitareva Brāh-The latter stops with the election of the king, and gives us no inkling as to the formation of any contract. The story of the Digha-Nikāva, however, unmistakably indicates that there was this contract between the king elected, that is, Mahāsammata, and the people.

Let us now turn to the Mahābhārata, and see what further notions of kingship are found propounded in it. It is true that the final recasting of the Mahābhārata has been attributed to the 4th century A.D., if not later. Nevertheless, there are reasons to suppose that most of these theories were probably broached before the time of Kautalya. What these reasons are will be specified in their due place. But as we have just discussed the Social Contract theory, we shall try to see first what sort of theory on this subject has

been mentioned in the Mahābhārata. Strangely amough, there is only one theory found in this work, encyclopaedic though it is, which refers to the Social Contract. It is narrated in Chapter 67 of the Śāntiparvan. In this Chapter is found the following stanza:—

etay-opamayā dhīrah samnameta balīyase | Indraya sa praṇamate namate yo balīyase | which, as we have seen in Lecture I, may safely be taken as being of Bhāradvāja's composition. It may not be, therefore, unreasonable to hold that the view set forth in this Chapter is that originally promulgated by this Hindu theorist.

Let us now see what this view exactly is. Formerly men, we are told, being without a king, met with destruction, devouring one another like fish in water. They then assembled together, made certain compacts (samayāh) for inspiring confidence among all classes of the people, and lived for some time. This was, however, soon found unbearable, and they proceeded to Brahmä in a body (sahitāh), saying "Without a king, oh divine lord, we are going to destruction. Appoint some one as our king. All of us shall worship him, and he shall protect us." Thus solicited, Brahmā pointed to Manu, but Manu would not assent to the proposal. "I fear," said he, "all sinful acts. To govern a kingdom is exceedingly difficult, especially among men who are always false and deceitful in their behaviour." men said unto Manu: "Don't fear, the sins that

men commit will touch those only that commit For the increase of your treasury, we will give you a fiftieth part of our animals and precious metals and a tenth part of our grains. fourth part of the merit which men will earn under your protection will also be yours. thened by that merit so easily obtained by you, do you protect us, oh king, like Indra protecting the deities." Thus addressed, Manu agreed and, he made his round through the world, checking sins everywhere and setting all men to their respective Thus we are told that those men on duties earth who desire prosperity should first elect and crown a king for the protection of all.

Let us now examine the principal constituents of this theory. Human beings, we learn, were fighting with one another, by each person taking for himself all that he could. The state of nature was therefore a state of war, which was, for the time being, silenced by men drawing up a Social Compact which ensured peace and amity for some Soon after, however, confusion arose again, and they were compelled to give their liberty into the hands of a sovereign by means of the governmental compact. It is scarcely necessary to add that this view of the origin of the State bears a remarkably close correspondence with that propounded by Hobbes, as it agrees with it in all its three main factors. This, therefore, perhaps is the only Hindu theory, which practically harmonizes with that of a Western theorist. It is true.

there are some points of difference even here, but they are not of much consequence. Thus before the governmental compact was negotiated for, the human beings, we are told, had gone to the god, Brahmā, beseeching him to appoint some one to rule over them, whereupon Brahmā, we are told, pointed out Manu. There is, no doubt, this new element introduced into the theory, which gives the impression that the king was of divine crea-But this is a mistake, because, as a matter of fact, Manu refused to be the king when addressed by Brahmä, and cannot possibly be taken as being ordained as king by that god. And if afterwards Manu was prevailed upon to become the ruler, it was the result of successful negotiations with him by the people themselves, which alone culminated in the formation of the Social Con-Similarly, it is true that the human beings were ready to absolve him from the responsibility for their sins, but that does not mean that this was a one-sided contract. For Manu agrees to give and actually gave protection in lieu of the tenth part of the grain and the fiftieth part of the merchandise promised by them. And we are distinctly told that he made a tour round the world, setting people to their proper duties and thus checking sins everywhere. It is thus clear that Manu after all had to perform, as a stipulation of the Contract on his side, some duty, namely, the duty of protection, which was all that the human beings had wanted and which was the

sole object with which they were seeking for a king.

Let us pause here for a while and turn more attention to the second factor of the Social Contract Theory, namely, Social Compact. Chapter II of the Bhīshmaparvan gives us a picture of the people of Śāka-dvīpa which is very interesting at the present stage of our enquiry. The same picture we find depicted in Chapter 49 of the Vāyu and Chapter 122 of the Matsya Purāṇa. The description contained in the Vāyu is perhaps the most lucid and succinct. A translation of the important verses may, therefore, be given here:

"And there is no mixture amongst them caused in social (varna) or religious orders (āśrama). And through non-deviation from law (dharma) the people are intensely happy. There is no greed or deceit amongst them. How can there be any malice, fault-finding tendency or want of fortitude?.....Amongst them there is no levying of taxes, no chastising rod (danda), no chastiser (dandika). Being conversant with law they protect one another by their own law (dharma) alone."

Whether Śāka-dvīpa was a real or fabulous country, and whether there was this system of government actually prevalent amongst its people, may perhaps be doubted. But it is difficult to avoid the conclusion that here we are furnished with an example of a community the

members of which lived in amity and peace apparently in accordance with some Social Compact which they had drawn up. This can scarcely be called a republic, because there was no danda, no dandika.

In Chapter 72 of the Santiparvan, we are introduced to a dialogue between king Purūravas and the Wind-god Mătariśvan. The greater portion of this chapter is devoted to the glorification of the Brähmans and the honours which other castes ought to shower on them. But just at the end of the chapter the Wind-god pithily sums up for Purūravas the duties of a king as follows: who dispels fears obtains great merit. There is no gift in the three worlds, comparable to the gift of life. The king is Indra. The king is Yama. Similarly the king is Dharma. The king assumes (different) forms. The king sustains and supports this whole (world)." Here evidently the king is not merely compared to the gods, but is actually called Indra, Yama and Dharma com-This is another theory of the oribined in one. gin of kingship that we have to note. We are no doubt apt to be tempted to compare it with the theory of the Divine Origin of Kingship in the West. But we must be careful in using the term, 'divine,' which, according to the western theorists, always means that which belongs to Supreme Indra, Yama and Dharma cannot possibly be designated as such. For Indra and Yama are, after all, Regents of the Quarters, and Dharma,

if not identifiable with Yama, was, no doubt, a deity that figures prominently in the Sūtra period. But none of these either separately or jointly can be called the Supreme Deity. The Sanskrit word deva can stand for both a minor deity or Supreme God, and when anything relating to, or coming from a deva, a minor deity though he may be, has to be expressed in English, we are compelled to use the word 'divine' which, strictly speaking, signifies 'emanating from or connected with Supreme God.' Perhaps it will be better to use the word 'superhuman' or 'quasi-divine' in this connection to denote an origin or connection with minor deities, reserving the word 'divine' to denote essence or relationship with Supreme God. We thus find that Chapter 72 of the Śāntiparvan suggests really the superhuman origin of kingship.

In between these two theories of the origin of kingship is that mentioned by Kantalya, which, curiously enough, combines the superhuman origin of kingship with that of the Social Contract. This theory he unfolds in connection with the desirability of finding out how the people are disposed towards the king. A king is thus instructed how to espy his subjects, whether in the capital town or the country, and counteract any discontent that may be created, fostered and circulated about him. He is, therefore, advised to send his spies to all places, where people congregate, and divide the former into two parties. A spy representing one party may be asked to

say openly as follows: "We hear that this king is endowed with all good qualities. And no good quality is seen in him inasmuch as he oppresses citizens and provincials by levving fines and taxes." The (spy) speaker and those of the people who would applaud his view, we are told. should be opposed by a spy of the other party who should address them as follows: afflicted with anarchy consequent upon the Mätsya-nyäya or the practice of the bigger fish swallowing e smaller, first elected Manu, son of Vivasvat, their king. They allotted one sixth of their grain and one-tenth of their merchandise as his share. Subsisting on this wage, kings become capable of giving safety and security to their subjects and of removing their sins. Hence hermits also offer one-sixth of the grains gleaned by them, saying 'it is a share due to him who protects 'us.' (Again), the kings, being visible dispensers of punishments and rewards, are a notable dwelling-place of Indra and Yama. Whosoever set them at naught are visited by superhuman (daiva) punishment also. Hence kings should never be despised."

It is not at all difficult here to differentiate between the two theories of the origin of kingship. So far as the story of Manu being elected king and his being allotted a portion of grains as his wage is concerned, the theory of the Social Contract is evidently alluded to. The original state of nature is here one of anarchy, and the sub-

sequent governmental compact is intelligible enough though somewhat left implied. In fact, what Kautalya states so far is an epitome of what has been set forth in chapter 67 of the Santiparvan. But what follows this represents in some measure the idea of the superhuman character of the kings. The very fact that they are looked upon as an abode of Indra and Yama as specified in chapter 72 of the Santiparvan and the further belief that any disregard shown to them is visited with preternatural chastisement show clearly that here we have also a different element to take note of. And if we carefully read even chessier 67 of the Säntiparvan where the story of Vaivasvata Manu has been detailed, we find one passage at the beginning of it which is interesting. It is true that it has been put in there almost incidentally and has no connection with the story, or even perhaps with its moral. Nevertheless it is of some importance, as it occurs in a chapter which sets forth the Hindu Theory of Social Contract. The passage is as follows: "The Srutis declare that in crowning a king, it is Indra that is crowned (in the person of the king). A person who is desirous of prosperity should worship that king as he should worship Indra himself." This is exactly the popular view specified by Kautalya. The king, though he becomes the ruler under the social contract, comes on account of his sublime position to be backed up by the two Regents of the quarters and is thus endowed with a superhuman character. He thus becomes Devānāmpřiya or Beloved of the gods, which was no doubt the epithet borne by kings in the centuries immediately preceding the Christian era.

·Let us now see how the theory of the quasidivine character of kingship was carried one step forward. This is clearly perceptible in chapter 68 of the Santiparvan, which treats of the discourse between Vasumanas, king of Kosala and Brihaspati. The chapter opens with a query which Yudhishthira puts to Bhîshma, namely, why the Brahmans have said that the king, who is the lord of men, is a god. Bhīshma answers by giving a short account of the discourse which Brihaspati delivered to Vasumanas on the subject. The former expatiates upon the horrors that arise when there is no king and when anarchy reigns supreme "The duties of all men," says, he, "may be seen to have the root in the king. It is through fear of the king only that men do not devour one another." And he goes on dilating upon this subject till he comes to describe the personality of the king himself. "Who is there," continues he, "that will not worship him, in whose existence the people exist and in whose destruction the people are destroyed? That man who even thinks of doing an injury to the king, without doubt, meets with grief and fear and goes to hell hereafter. No one should disregard the king by taking him for a man, for he is really a high divinity in human form." The last of these

verses is: na jātv-amantavyo manushya iti bhūmipah, mahati devatā hy-eshā nara-rūpena tishthati. This is practically identical with verse 8 in Chapter VII of the Manu-smriti, which we shall discuss But, to resume the thread of Brihaslater on pati's discourse, "The king assumes five different forms according to five different occasions. becomes Agni, Āditya, Mrityu (Destroyer), Vaiśravaņa (Kubera), and Yama. When the king, deceived by falsehood, burns with his fierce energy the sinful offender before him, he is then said to assume the form of Agni. When he observes through his spies the acts of all persons and thus what is for the general good, he is then said to assume the form of Aditva. When he destroys in wrath hundreds of wicked men with their sons, grandsons and relatives, he is then said to assume the form of Mritvu (Destroyer). When he restrains the wicked by inflicting upon them severe punishments and favours the righteous by bestowing rewards upon them, he is then said to assume the form of Yama. When he gratifies with profuse gifts of wealth those that have rendered him valuable services, and snatches away the wealth and precious stones of those that have offended him, indeed, when he bestows prosperity upon some and takes it away from others, he is then, oh king, said to assume the form of Kubera on earth." Then we are told that no person who is possessed of cleverness should ever spread evil reports about the

king. Fire, being impelled by the wind and thus blazing forth among articles inflammable, may leave a remnant, but the wrath of the king leaves nothing to the person that incurs it.

Now, what do we gather from the epitome just given of the discourse of Brihaspati on the origin of kingship? The chapter itself, as we have seen, begins with the query: why the Brahmans have said that the king, who is the lord of men, is a god. This is an important point to remember. It consists of two parts. First, that the king is a god and the second that the Brāhmans have said so. It is thus clear that the Brahmans were in no way opposed to the doctrine that the king was a god. What sort of god he is has been well described by Brihaspati. Here the king has been compared to Fire, the Sun, Death, Kubera and Yama. And we are told in what respects he resembles each one of these deities. But be it. noted that he is nowhere said by Brihaspati to be an abode of one or more of these gods, but on the contrary, asserted to be a mighty deity in human form. He is thus not a devānām-priya but rather a deva, whose function is manifold and who performs duties, not of one single, but of as many as five, deities, three of whom alone are the Regents of the Quarters. This represents one step in advance in the development of the notion regarding the superhuman origin of kingship. To put it briefly, the king is represented to be not the abode of any gods, but rather a god

himself. We must, however, remember that the king has yet been in no way connected with the Supreme God.

Perhaps one step further in this direction is represented by the theory propounded by Manu. Manu adopts practically the view which Brihaspati enunciates to Vasumanas, and, in fact, one of the verses contained in the latter, we have seen, is found in the Manu-Smriti also, with a slight change. That verse, so far as the latter work is concerned, is as follows: "A king, though an infant, must not be despised, because he looks a human being; verily, he is a great deity in human/ form." How the king is looked upon as a deity is explained by Manu almost in the same manner as Brihaspati has done. "Through his (supernatural) powers," says Manu, "he is Fire and Wind, he Sun and Moon, he Yama, he Kubera, he Varuna, he great Indra. Fire hurns one man only, if he carelessly approaches it; the fire of a king's (anger) consumes the (whole) family, together with its cattle and its hoard of property. He, in whose favour resides Padmā, the goddess of fortune, in whose valour dwells victory, in whose anger abides death, is formed of the lustre of all (gods). The (man), who in his exceeding folly, hates him, will doubtless perish; for the king quickly makes up his mind to destroy such (a man)." It is thus clear that this view of

<sup>&</sup>lt;sup>1</sup> Cf. Nārada-smriti, Cap. XVIII, v. 26 and ff.

Manu is practically identical with that of Brihaspati. But he adds just a new point to it. As there was no king, says Manu, creatures dispersed in all directions; and for their protection the Supreme Lord created a king, taking for that purpose the eternal particles of Indra, Wind. Yama, the Sun, Fire, Varuna, the Moon, and Kubera, who are all except one the Regents of the Quarters. And further, Manu tells us, just because a king has been formed of the particles of these gods, he surpasses all created beings in lustre and nobody on earth can gaze on him. This is a new feature which we find added by Manu apparently to Brihaspati's theory of the origin of kingship. According to the latter the king is merely a deity. But Manu holds that the king is not only a deity but also a creation of the Supreme God. For the first time therefore we find a trace of the real divine origin of kingship similar to that propounded by the Western thinkers.

It may now be asked whether the Hindu mind stopped here or whether it developed still further this notion of the divine origin of the king. We have therefore to take cognisance of another theory propounded in Chapter 59 of the Śāntiparvan. Yudhishṭhira begins by asking Bhīshma a most sensible question. "Whence arose the word 'rājan'", he interrogates, "which is used on earth? Possessed of hands, arms and neck like others, having an understanding and senses like

those of others, subject like others to the same kinds of joy and grief, in fact, similar to others in respect of all the attributes of humanity, for what reason does one man, namely, the king, govern the rest of the world? Why do all men seek to obtain his favour?" This was the question asked by Yudhishthira. To this Bhīshma gives the following reply: In the Krita age there was no state (rājya), no king, no chastisement (danda), no chastiser. All men used to protect one another according to Law (Dharma). Soon after, they were assailed by moha or infatuation. And in its train followed lobha, greed, wrath and rāga or unrestrained sexual indulgence. Confusion thus set in, and the Vedas (Brāhmanas) and Law (Dharma) were lost. The gods were overcome with fear, and repaired to the god Brahmā. "Oh Lord of the three Worlds," said they, "we are about to descend to the level of the human beings. Men used to pour upwards, while we used to pour downward. In consequence, however, of the cessation of all pious rites among men, great distress will be our lot." Thus addressed the god composed a treatise consisting of a hundred thousand chapters and treating of dharma, artha, kāma and moksha, to which we have already referred in Lecture I. The gods then approached Vishņu, the lord of creation(prajāpati), and said unto him-" Indicate, O god, that one among mortals who deserves to have superiority over the rest." The god Nārā-

yana created, by a fiat of his will, a son born of his tejas or lustre, named Virajas. It was, however, the seventh descendant from Vishnu who was crowned king. He was created out of the right arm of Vena, who had been killed by the angry sages for his tyranny. And he was enjoined by the gods and the great sages to take the following oath: 'I will, in thought, word, and deed, always protect the Brahman which is on earth. I will fearlessly maintain the law in accordance with Dandanīti. I will never act with caprice. Brahmans are not fit to be chastised by And I will protect the world from an intermixture of castes." Details have been adduced as to who became his priest, his astrologer, his counsellors, his companions, and his bards and panegyrists. We are further informed how Prithu made the surface of the earth level, which was very uneven before. And then we are told that Vishnu, the deities, the rishis, the Regents of the so forth assembled together for world and crowning Prithu. Because he gratified (raniitah) all the people, he was called Rajan (king); and because he protected the Brāhmans against wounds (kshata-trānāt), he earned the name of Kshatriya. The eternal Vishnu himself confirmed his power, telling him,-"No one O king, shall transcend thee." The divine Vishnu entered his body! and for this reason the entire universe numbered Prithu among human gods (nara-devd) and worshipped him as a god. What other cause

is there in consequence of which the multitude live in obedience to one save the divinity (of the monarch)? A person upon the exhaustion of his merit comes down from heaven to earth and takes birth as a king conversant with dandanīti, and becomes endowed with the greatness of Vishņu. Established by the gods, no one transcends him. It is for this reason that the world becomes subject to him and can never command him. Since that time there has been no difference between a deva and a nara-deva, between a god and a human god, that is, between a god and a king.

It will be seen that, according to this theory, the pre-political condition consists of two stages. The first was one of peace and freedom, where people protected one another according to Law (Dharma) and where the chastising influence of danda was not felt. This state of nature bears a close correspondence to that described by Locke whose 'dictates of right reason' are practically the same as the Dharma of the Indian theory. In the second stage moha or infatuation took possession of the human beings, and confusion arose. The gods (not the people), being alarmed, went to Prajāpati Vishņu, from whom sprung up a mind-born son called Virajas. was, however, Prithu Vainya; seventh descendant from Vishnu, who was crowned king. Vishnu is here called sanātana (Eternal), bhagavān (divine) and Prajapati (Creator). Besides, when Prithu Vainya was crowned king by Vishnu, the latter,

we are told, was accompanied by Sakra together with his gods, by sages, the regents of the worlds. and so on. Vishnu is thus differentiated from the gods and their lord Indra. He is, therefore, here looked upon as Supreme Being, and not a mere god. When, therefore, we are told that Prithu was crowned king, we naturally have to understand that he was so crowned by the Supreme Being Himself. And when we are further told that Vishnu Himself entered the body of Prithu after his coronation and that a king is a god who upon the exhaustion of his merit descends to earth from heaven endowed with the greatness of Vishnu, there can absolutely be no doubt as to the divine origin of kingship. The king, according to this theory, is a human god created and permeated by Supreme Being. But what about the oath which, we are informed, was exacted from Prithu Vainya before his coronation? Does that not show, it may be asked, that there was here a contract, one party to which was the king who for his own part announced his own stipulation by pledging himself to protect the Vedas, respect the Brähmans, prevent the intermixture of castes and govern according to dandanīti? This apparently smacks of the Governmental Compact. How can this element be harmonized with the divine origin of the king set forth in this theory? reply is that this was doubtless something like a contract to which the king was one party.

But then who was the other party? Was it his own subjects? Far from it; for he gave this pledge, not to his own people, but to the gods and the sages. This cannot thus possibly be looked upon as a governmental compact, in the proper sense of the phrase. The full significance of the pledge we will see later on. But the present one may be safely looked upon as a theory setting forth the divine creation and essence of the king.

What is the upshot of this disquisition? What addition does it make to our knowledge of the political thought of Ancient India? We find that there were manifold theories about the origin of kingship that were dominant in Ancient India. It is true that none of these, we find, bears the character of a system. But this need not surprise or disappoint us. For all the ancient books on polity that were in existence before the time of Kautalya seem to have been lost. There is reason to suppose that many of them contained some reasoned speculation of the political philosopher. If we ever are so fortunate as to light upon the original work of, say, Brihaspati or Bhāradvāja, there is every likelihood of our finding these theories more lucidly and systematically set forth. As it is, we have to be content with what little we find in the Sanskrit and Pāli literature in general, and the Mahābhārata in particular. We know that the rays of light which are supplied from these sources are very

few and scattered. Nevertheless, we have in this Lecture brought them to a focus, not perhaps without interesting results. Those who are acquainted with the development of political philosophy in Europe in the seventeenth and eighteenth centuries need not be told that the Western theories divide themselves into two groups, those of Social Contract and those of Divine Right. Almost the same thing is perceptible in regard to the Hindu theories we have so far surveyed. Here too we have the ideas of contract and of divine origin more or less clearly developed. What further we have to remember is that here is also a third group of theories which is not noticeable in the political speculation of Europe, namely, theories about the superhuman or supernatural as distinguished from the divine origin of the king. We will pass them under a brief-review so that we may have a perspective of them all.

There are only two Hindu accounts of the origin of State, which have some points of contact with the Social Contract theory of Europe. It is well-known that the latter contains three essential factors, namely, (1) the state of nature, (2) the Social Compact and (3) the Governmental Compact. It is seldom that all these three elements are clearly present in any one of these theories even in the West. Now as regards the Hindu accounts, the first of these is that supplied by the Dīgha-Nikāya. Here the idea of

the Governmental Compact'is fairly well brought out. But there is little in this theory which can correspond either to the Social Compact which is here of a very nebulous character or to the state of nature which is here not of human. but of some self-luminous, beings, composed of the substance of mind. The second account is that which is contained in Chapter 67 of the Śāntiparvan. Here curiously enough all features of the Social Contract theory are present and in a fairly sharp-cut fashion. The state of nature in this case, as we have seen, was a state of war which was succeeded by the formation of a Social Compact which inspired confidence among all classes and ensured peace and good will for some time. This was followed by the Governmental Compact by means of which the liberty of individuals was transferred to the hands of a single individual, namely, the sovereign. So far as we can see, this theory which is to be ascribed to Bhāradvāja is not only a full-fledged one, satisfying all the conditions of the Western theory of Social Contract, but also one which makes the closest approach to that of Hobbes. Hobbes, however, was the theoretical apologist of Stuart despotism and held that by means of the Governmental Compact absolute power was irrevocably transferred to the ruler.1

<sup>1</sup> Dr. U. Ghosal holds that "Hobbes permits the subjects to cancel their obligation to the sovereign in the event of the latter's failure to protect them from the evil of anarchy" (A History of Hindu Political Theories, p. 276, note), but does not specify his grounds.

"Since he was not a party to the contract, he could not break it, neither could the people withdraw rights which they had irrevocably transferred. Obedience was necessary, no matter how the sovereign exercised his power, and the right of revolution was for ever gone."1 was not, however, the case with the Social Contract theory by the Hindu political thinkers. According to the latter the king was still the servant of the people. The sixth part of the grains and the tenth part of the merchandise that was his due was but the wage that he received for his service to the people. This is also the view of Kautalya, who goes even one step further and says that "Whatever of the property of citizens robbed by thieves the king cannot recover, shall be made good from his own pocket."2 This was also the view of Baudhayana, Gautama, and other authors of the Dharmaśāstra. In fact, the idea that the king was a servant of the people continued down to the 3rd century A.D., that is, till the time of the Buddhist monk Āryadeva. Even he could not help blurting out: Gana-dāsasya te darpah shadbhāgena bhritasya kah, 'what superciliousness is thine (O king), who art a (mere) servant of the body politic and receivest the sixth part of the produce as thine wage?' The king's power can thus hardly be supposed to be absolute or arbitrary, and it

<sup>&</sup>lt;sup>1</sup> Gettel's Introduction to Political Science, p. 84.

<sup>&</sup>lt;sup>2</sup> Carmichael Lectures, 1918, pp. 123 and 129.

is this feature that distinguishes the Hindu theory of Social Contract from that propounded by Hobbes, and perhaps marks its superiority over the latter.

The second group of Hindu theories that we have now to pass under rapid review is connected with the supernatural origin of the king. have seen above that the Sanskrit word deva signifies both a deity and Supreme Being. There are some Hindu theories which hold that the king either is an abode of gods or is a god himself. The king cannot, according to this view, be taken to have a divine origin as the word 'divine,' in this phrase at least, always refers to Supreme Being. Those of the first group have been designated theories of the superhuman origin or essence of the king to distinguish them from those which represent the king as having emanated from or pervaded by Supreme Being. The first group again may be divided into two sections according as they regard the king, the ruler, as a mere abode of the Regents of the Quarters or a god by himself performing the functions of the latter. The view of Wind-god Mātariśvan is that the king is Indra, Yama and Dharma, that is, an abode of these Regents of the Quarters. between this view and the Speial Contract falls the theory set forth and apparently countenanced by Kautalva which is a combination of the two. It is true that the king was elected by the people in accordance with the Governmental Compact,

but by virtue of it he has come to occupy such a lofty and sublime position that being also a dispenser of awards and punishments, he can very well be looked upon as an abode of Indra and Yama. It deserves to be noticed that in the Maurya period kings, though they were called rājan, were also addressed as Devānām-priya. This was the title of Aśoka as is evident from His grand-son Daśaratha also bears his edicts. the same title. And there are found epigraphs even in Cevlon, which give this epithet to at least three of its early kings. Now Devānām-priya means 'beloved of the gods.' Why should a king be looked upon as beloved, not of God, but of gods? The most plausible explanation is that he was looked upon as a well-known abode of chiefly the Regents of the Quarters, such as Indra and Yama. Soon after the Mauryan period, however, the king became not a beloved of the gods but a god himself, not an abode of the Regents of the Quarters but a god performing their functions. This is the view, as we have seen, which was propounded by Brihaspati to Vasumanas, and was carried one step further by Manu who not only accepted that the king was a god discharging the function of the various Guardians of the Quarters but a god created by the Supreme Being to prevent a state of anarchy. It is Manu who for the first time imports the element of really divine origin. But a still further development of this idea of kingship, as we have seen,

has been formulated in Chapter 59 of the Santiparvan. Here we find that the king is not simply created and crowned, but also pervaded and supported, by Vishnu as the Supreme Being.

A theory similar to the last is the doctrine of the divine right of kings which was started and developed by Christian Apostles and Fathers in Europe. Paul, e.g., declares:--"The powers that be are ordained by God. Whosoever therefore resisteth the power resisteth the ordinance of God.... He is the minister of God, a revenger to execute wrath upon him that doeth evil." was, therefore, perfectly intelligible when Fathers Irenœus, St. Ambrosiaster and St. Augustine propounded the view that the ruler was not only the minister of God's remedy for sins but the instrument of His punishment.2 It was also no wonder at all if in his speech to Parliament in 1609 James I of England declared: "Kings are justly called Gods; for that they exercise a manner or resemblance of Divine power upon earth: For if you will consider the Attributes of God. you shall see how they agree in the person of a King. God hath power to create, or destroy, make, or unmake at his pleasure, to give life, or send death, to judge all, and to be judged nor accountable to none: To raise low things, and to

<sup>&</sup>lt;sup>1</sup> W. A. Dunning's A History of Political Theories, Ancient and Mediæval, p. 178.

<sup>&</sup>lt;sup>2</sup> A. J. Carlyle's A History of Mediaval Theories in the West, Vol. 1, p. 148 and ff.

make high things low at his pleasure, and to God are both soul and body due. And the like power have Kings': They make and unmake their subjects; they have power of raising, and casting down: of life, and of death: judges over all their subjects, and in all cases, and yet accountable to They have power to exalt none but God only. low things, and abase high things, and make their subjects like men at the Chess." 1 Surely enormity cannot further go. Fortunately for India though the divine origin of kings was maintained by some schools, it was never pushed to any absurd extreme. For if we just recall to our mind what is set forth in Chapter 59 of the Śāntiparvan which is the only place in ancient Indian literature which speciously sets forth the divine origin of kingship, we find that oath is exacted from Prithu Vainva by the gods and the sages, immediately before he is crowned. He solemnly promises to protect the Vedas, respect the Brāhmans, maintain the social and moral order, and prevent an intermixture of castes. It is only when he pledges himself to this line of policy that he is crowned king by the gods and the sages under the auspices of the Supreme Being, Vishnu, who now enters the body of Prithu Vainya and makes of him a nara-deva, ruling over and transcending all mankind. coronation oath naturally implies that a king is a

<sup>&</sup>lt;sup>1</sup> Mc Ilwain's The Political Works of James 1. (Harvard Political Classics), pp. 307-8.

nara-deva, and continues to be pervaded and presided over by the Supreme Being only so long as he sticks to that oath. The clearest implication is that as soon as he commits a breach of this pledge, the divine contract into which he has entered with the gods and sages is forthwith dissolved, and the other party, namely, Vishnu as Supreme Being and as the head of the gods and sages is under no obligation to pervade him, and the divine essence of the king forthwith evaporates. Such is the view of Manu also. Although he ordains that a king is not only a creation of Supreme God but a great deity himself, he tells us in the same breath that for the sake of the king He created His own son, namely, Chastisement (Danda), the protecter of all people, that is the Law (Dharma) itself, but that he who inflicts it must discern well (vs. 25-8); otherwise, that Chastisement itself, if unjustly inflicted, will strike down the king together with his relatives, castles and territories. Evidently his divine origin and superhuman nature will not serve a king, the moment he swerves from Dharma or Law.

There is, however, one passage from a Sanskrit work bearing on this point which we cannot pass over in this connection. It is not from any Artha- or Nīti- śāstra, but rather from a Smṛiti of the fourth or fifth century A.D., namely, the Nāradasmṛiti. There we are told that "a ruler has purchased his subjects through (the practice

of) austerities; therefore the king is their lord. For that reason, his bidding must be obeyed; their livelihood even depends on the king," and also that "as a husband though feeble must be constantly worshipped by his wives, in the same way a ruler though worthless must be (constantly) worshipped by his subjects." 1 From this one is apt to infer that here we have a categorical statement that the king should be honoured irrespective of his personal qualifications and his orders obeyed without reference to their moral justification. It may be contended that Narada here inculcates the doctrine of passive obedience, on the part of his subjects, in its extreme form, thus making the closest approach to the Western theory of Divine Right. But if we read the whole chapter carefully, we shall find that whereas verse 8 says that "what is opposed to revealed and traditional law, or injurious to living beings, must not be practised by the king," verse 12 further distinctly permits us to advise or even rebuke a king, in spite of his dignity and sanctity, if he swerves from the path of duty. It will thus be seen that even this passage from the Nāradasmriti does not ordain the doctrine of Divine Right. And, in fact, so far as we know, no school of Hindu Polity or Law, though it may

<sup>&</sup>lt;sup>1</sup> Verses 22 and 25 from the parisishta of the text of the Nārada-smriti published by Julius Jolly (Beng. As. Soc.'s edition, 1885). The same verses quoted in Mitramiśra's Rājanīti-prakāsa (Chowkhamba Sk. Series). For their translation by Julius Jolly, see Sacred Books of the East, Vol. XXXIII, p. 217.

propound the divine origin of kingship, does either acknowledge the king's rule by divine right, or consider his person as divine.

The idea of the divinity of a king is not confined to India alone. It is well-known that Pharaohs of Egypt were styled Si-re or sons of the Sun-god, and are represented in sculpture as being protected by the rays emanating from the orb of the sun. This pretention to divinity seems to have been borrowed from them by Ptolemies of Egypt and also by the Seleuki-Their example was followed not only by Thus Bactro-Greek kings but also the Parthians. we find Euthydemos receiving the posthumous homage of being styled Theos. And Antimachos and Agathocles actually called themselves during their lifetime Theos and Theothropos (Son of God). The Kushana emperors, Kanishka, Huvishka and Vāsudeva, are known to have assumed the title of Devaputra in their formulary, which, antiquarians and archæologists think, is a mere Sanskrit translation of the Chinese Tien-Tzen (Son of Heaven).<sup>2</sup> But the Kushanas went one step forward by representing themselves on their coins with the nimbus, aureole, clouds or flames to indicate their divine origin just as the Hellenic divinities figure on those of the Indo-Bactrian Greek princes.3

<sup>&</sup>lt;sup>1</sup> Ind. Ant., 1903, p. 430 and ff.

<sup>&</sup>lt;sup>2</sup> It, however, seems better to take decaputra as the Sanskrit equivalent of the Greek Theothropos by which Agathocles styled himself.

<sup>3</sup> In some of the office documents, recovered in Khotan during

Kushanas were succeeded by the Guptas in their so vereignty over Northern India. And we find the latter princes also depicted on their coins with a nimbus round their head. This need cause us no surprise, because deities are described in early Brahmanical and Buddhist texts as self-luminous And further, as we have seen from the in body. Taittirīva-Brāhmana, Indra, who is here typical of the king, was endowed with the lustre of Prajapati which was like that of the Sun and shaped like a golden disc. It was therefore natural if the Gupta princes adopted the nimbus from their Kuslfana predecessors, as these were not necessarily unassimilable features. But they too seem to have gone one step further. For in the celebrated Allahabad Pillar Inscription (l. 28) of Samudrae gupta we find that this king is described as "A human being only in the performance of the rites and established practices of the world (but veritably) God with the world as his residence" (lokad'hāmno devasya). It seems that Samudragupta is here identified with, not a god, but Supreme Being. Nevertheless, he has been called *Dhanada*-Varun-Endr-Āntaka-sama, that is, equal to Kubera, Varuna, Indra and Yama, the Regents of the Quarters. It is curious how, if he performed the combined function of these Guardians of the

excavations, which belong to the Kushana rulers, we meet in the complimentary introductions with such phrases as deva-manushya-sampūjita, 'honoured by gods and men,' prachachhu-devata (Sk. pratyaksha-devatā), 'a divinity incarnate' (M. A. Stein's Ancient Khotan, Vol. I, p., 366, n.17).

world, he could be looked upon as not a god but God. The contradiction may perhaps be explained by saying that the Regents of the Quarters were, after all, so many forms of Supreme God, so that Samudragupta could be both. That the Gupta kings were raised to the dignity, not of a mere god but of Supreme Deity, is quite clear from the fact that Kumāragupta and Budhagupta adopted the title of parama-daivata in their formulary in the Dāmodarpur copper plate grants.1 Parama-daivata can signify 'Supreme Deity' only, and it cannot possibly be doubted that they took themselves to be identical with the Supreme Being. From Chapter 59 of the Santiparvan we have seen that the king is called a nara-deva and is taken to be pervaded by Vishnu as Supreme Being. It was in accordance with this Hindu belief that the Gupta sovereigns seem to have claimed identity with the Supreme Deity.

We cannot properly conclude our enquiry into the origin of the state without taking note of another theory which presents what may be called the paternal view of kingship.<sup>2</sup> In the Śāntiparvan we have at least three verses which refer to this conception of the king's duty. One verse has:

<sup>&</sup>lt;sup>1</sup> Ep. Ind., Vol. XV, pp. 130, 133, 135, 138 and 142. Corresponding to parama-daivata of the Dāmodarpur grants, we have param-eśvara of somewhat later plates. The last phrase also must be taken to mean precisely the same thing.

<sup>&</sup>lt;sup>2</sup> This was first pointed out by Mr. N. C. Banerji in the Calcutta Review, 1922, Oct.-Dec., p. 392 and ff.

"He is the best of kings in whose dominions men move fearlessly like sons in the house of their father." (LVII. 33.)

Then in Chapter 139 we have two verses:

"Manu, lord of created beings, has spoken about these seven qualities of the king, namely, that he is mother, father, preceptor, protector, Fire, Vaiśravana, and Yama. (V. 102.)

"The king, who is compassionate towards the subjects, is, indeed, the father of the people. The man, who behaves himself falsely towards him, is born an animal (in the next life)." (V. 103.)

The 'patrimonial theory' is by no means unknown to Buddhist literature, for Jātaka Vol. V. p. 223 has netā pitā uggato raṭṭhapālo.

Thus we find that according to this view the ideal relation of the king towards his subjects is not only that of father and mother to their sons but also that of the preceptor towards his disciples. The same view seems to have been countenanced by Kautalya who in no less than two places refers to it in his Arthaśastra by using the expression piteva anugrihnīyāt. Thus in the chapter dealing with 'the Provincial Settlements,' the king is advised to grant exemption of taxes on certain emergent occasions, but, when this period of exemption is over, he is exhorted to treat the people as a father would his sons. Similarly, the chapter concerning 'the Remedies against State Calamities' ends with an injunction to the

<sup>1</sup> Arthasastra, p. 47.

king that he shall everywhere favour the afflicted among his people as a father his sons.1 thus be seen that the paternal conception of kingly duties is traceable as far back as the time of Kautalya at least. And what is a most gratifying circumstance in this connection is that Aśoka, who is not far removed from Kautalya in time and who wonderfully blended in himself the duties of the monarch and the missionary, confesses to have been guided by this ideal. Thus in Pillar Edict IV., he says: "Certainly, just as (a person) feels confident after making over his offspring to a clever nurse, (saying unto himself) 'the clever nurse desires to bring up my offspring,' even so have I appointed the Rajjukas for the welfare and happiness of the provincials."2 What Asoka means is that the Rajjuka officials are to his people what a nurse is to a man's offspring. Evidently he looks upon his subjects as his own children. Similarly, in separate Kalinga Edicts, he distinctly says: "All men are my offspring. Just as for (my) offspring I desire that they be united with all welfare and happiness of the world and of the next, precisely do I desire it for all men." 3 This clearly shows that Aśoka had a paternal conception of his duty as king.

Now, an impartial consideration of these data leads to the inference that among the political

<sup>&</sup>lt;sup>1</sup> Ibid., p. 210.

<sup>&</sup>lt;sup>2</sup> D. R. Bhandarkar's Asoka, pp. 309-10.

<sup>3</sup> Ibid., pp. 323 and 326.

writings of Ancient India, there was current what is' at present known as the Theory of Force 1 which, historically speaking, means that 'government is the outcome of human aggression'. There can be no reasonable doubt that this theory came into existence at a time when the kingly power became absolute, that is, about the advent of the Maurvan supremacy. Just as children are solely dependent upon parents who can do to them just what they like, the subjects were at the mercy of the king who was thus no better than a despot. This presents a strong contrast to the notion, that was prevalent most probably before the rise of the Mauryan power and according to which the king was considered to be a mere servant of the State and was allowed to levy the prescribed taxes in order that he might receive the wage due to him for his services. But this paternal conception of a king's duty does not indicate a theory of 'self-seeking domination acquired by superior physical force' such as was hurled by the theologians of the Middle Ages against earthly sovereignty and for the glorification of the spiritual power. does it indicate 'the process of aggressive exploitation, by means of which a part of the community has succeeded in defrauding their fellows of the just reward of their labour,' such as has been urged by the socialists of the modern day. points rather to the principle that government is

<sup>1</sup> Stephen Leacock's Elements of Political Science, p. 35 and ff.

based on the dependence of the weak upon the strong, where the stronger rules, not by repression but by benevolence, where protection is given freely to ungrudging obedience. Such is the relation of parent and child, preceptor and disciple, master and servant. This is the relation intended by this theory between the ruler and the ruled, the prince and his subjects. This theory seems to have come into existence shortly prior to the advent of the Mauryan dynasty (325 B.C.) when the republican states were being swallowed by the powerful monarchies and the monarchies themselves were fast developing into an imperialism.

## LECTURE VI.

THE NATURE AND END OF THE HINDU STATE.

We have seen what conception the Hindus of Ancient India had of the State. Let us now try to find out what was the actual nature and end of the Hindu State. There is no single book or no single chapter of any book, which treats of this subject as a whole or even in part. There are, however, many chapters of Kautalya's Arthaśāstra, the Śāntiparvan of the Mahābhārata and so forth which are interspersed with incidental observations and reflections on this subject attributed to the various writers of the ancient Hindu Polity. If we can piece them together, it will be possible to obtain a fairly accurate and vivid picture of the Ancient Hindu State, which cannot but be of supreme interest to us all. Let us. therefore, make this attempt, and see what picture is held out before us.

It has been stated in one of the previous Lectures that according to the Hindu idea the State comprised seven natural elements, the first and most pre-eminent of which is svāmin or lord and master. We have also seen that according to almost all the theorists of Ancient India, the best type of svāmin is the one represented by the ruler of a monarchical state. We have also seen that Kautalya goes even one step further and tells us

that the king is really the State, in the sense, of course, that the king, if possessed of the best and richest qualities of a svāmin, can enrich all the other prakritis, howsoever weak and impoverished they might be. So when we want to ascertain the nature and end of the Hindu State, the first question that must present itself to us is: what was expected of the king, that is to say, where was the necessity of a king at the helm of a State? Fortunately for us this question has been frequently raised and discussed in many Sanskrit works. The state of society where there is no king or where there is a weakling of a king is often imagined, and vivid descriptions given to us of the horrors that ensue from anarchy. The following quotations from two chapters of the Santiparvan will suffice. Chapter 67, which, as has already been seen, sets forth the Social Contract theory, contains the following typical verses bearing on our question:

"During times of anarchy, the sinful man derives great pleasure by plundering the wealth of other people. When, however, his (ill-got) wealth is snatched away by others, he wishes for a king (v. 13).

"It is evident, therefore, that in times of anarchy the very wicked even cannot be happy. The wealth of one is snatched away by two. That of these two is snatched away by many acting together (v. 14).

<sup>&</sup>quot;He who is not a slave is made a slave.

Women, again, are forcibly abducted. For these reasons the gods created kings for protecting the people (v. 15).

"If there were no king on earth for wielding the rod of chastisement, the strong would then have preyed on the weak after the manner of fishes in the water (v. 16)."

The next chapter of the Santiparvan, that is, Chapter 68, describes a dialogue between Brihaspati and Vasumanas. The former in his discourse expatiates upon the terrors that would ensue if there were no king to govern the State. Some of the verses that occur in connection therewith are also worthy of quotation. They are as follows:

"The duties of all men, O thou of great wisdom, may be seen to have their root in the king. It is through fear of the king only that men do not devour one another (v. 8).

"As fishes in shallow water and birds in a spot safe from danger dart and rove as they please (for a time) and repeatedly attack (v. 11),

"And grind one another with force and then meet with certain destruction (v. 12),

"Even so men sink in utter darkness and meet with destruction if they have no king to protect them, like a herd of cattle without the herdsman to look after them (v. 13).

"Nobody, with reference to any article in his possession, would be able to say: 'This is mine.' Wives, sons, food and other kinds of property, would not then exist (v. 15).

- "Ruin would overtake everything if the king did not exercise the duty of protection. Wicked men would forcibly appropriate the vehicles, robes, ornaments, precious stones, and other kinds of property belonging to others, if the king did not protect (v. 16).
- "If the king did not protect, men would worry or even injure their very mothers and fathers if aged, their very preceptors, guests and elderly people (v. 18).
- "If the king did not protect, impurity of birth would not be recognised; there would be no agriculture, no commercial roads; morality (dharma) would sink; and the three Vedas would disappear (v. 21).
- "Sacrifices, accompanied by presents, would no longer be performed according to the ordinance; there will be no marriages and no festivities, if the king did not protect (v. 23).
- "All kinds of injustice would set in; there would be intermixture of castes; and famine would ravage the kingdom, if the king did not protect (v. 29).
- "Being protected by the king, men, being everywhere fearless, can sleep at pleasure with the doors of their houses open (v. 30).
- "If the king protects, women decked with every ornament fearlessly wander without any males (to attend upon them) (v. 32).
  - "This world is rooted in Vārtā and is always

protected by the three Vedas. All this remains intact if the king protects (v. 35)."

The above verses set forth the reasons why a king is indispensable. Their essence is concentrated in the verses which tell us that if there were no king, the strong would devour the weak, just as the fishes do in water, and which refer to what is popularly known as the Mātsya-nyāya. This seems to have been a favourite maxim with the Hindu exponents of the political science and is repeated almost everywhere to explain the necessity of placing a king at the head of government. Thus Kautalya has given the same illustration, not once, but twice, in his Arthaéastra! In one place he says: "Because, if the chastising rod is not exercised, it brings about the realisation of the proverb of the greater fish swallowing the smaller. In the absence of the wielder of the chastising rod, the strong devours the weak." Similarly, he speaks of the Mātsya-nyāya in connection with his account of the Social Contract theory which we have considered in the last Lecture. There he puts the duties of kings in a nutshell by saying that they are intended to ensure yoga and kshema to their subjects and remove their sins. Now, what is meant by yogakshema, and how are the kings expected to remove sins from their kingdom? Precisely the same idea is expressed in the Yājñavalkya-smṛiti (I. 100), where, however, the phrase yoga-kshema has been explained by the Mitakshara as follows:

alabdha-lābho yogaḥ labdha-paripālanam kshemaḥ, 'yoga means the acquisition of what has not been acquired, and kshema the preservation of what has been acquired.' This is, no doubt, how the two terms have been differentiated, but both together are taken to signify 'security of possession' or 'safety of property.'

If we now consider the extracts we have cited from Chapters 67 and 68 of the Santiparvan, we shall be in a position to understand what is meant by yoga-kshema. If there is no king, nobody, we are told, can with reference to any article in his possession say—'This is mine,' and wicked people will snatch away the food, vehicles, robes, ornaments, precious stones and other kinds of property belonging to others. Women, again, are forcibly abducted. When the king, however, protects, men can sleep at pleasure with the doors of their houses open, and even women decked with ornaments can fearlessly go to any place without any male relatives to escort them. Again. if there is no king, he who is not a slave is made a slave, and there is no agriculture, no commercial roads, and famine ravages the country. This world is rooted in  $V\bar{a}rt\bar{a}$ , which consists of agriculture, cattle-breeding and trade. All this remains intact if the king protects. In fact, all legal and economic ties of society are snapped, if there is no king to govern a country. This, in short, is what is intended to be understood by the yoga-kshema, which the king grants to his people.

Let us now try to understand what sins exactly the king is expected to destroy in his kingdom. Here too the extracts quoted above come to our help. Of course, when the king insists upon his men respecting the mutual rights of property, the sin of appropriating what does not belong to oneself is no doubt removed. But there were other kinds of sins also which the king dissipated. For, we are told, that if the king did not protect, men would harass and even harm their mothers, fathers, preceptors, guests and other elderly people, and that all restrictions about marriage and intercourse would cease. In other words, the moral and family ties of society would be swept away in the absence of royal protection. sins, however, are not possible if the king exercises the duty of protection. It will thus be seen that if there is no king at the helm of the affairs of a kingdom, all-wholesome barriers are destroyed, and all ties, not only legal, but also social, and moral, that bind men into society, are cut asunder. But this is not all. For, if we carefully study the excerpts cited above, we shall find that they speak also of the religious ties. For, have we not been told that if the king did not protect, the three Vedas would disappear, sacrifices would not be performed, there would be brahmanicide, and that there would be no detection of impurity of birth and consequently there would be intermixture of castes? It will be noticed that what we have stated in describing the social, moral and legal

ties of society holds good for states of all ages and all climes. But what has just been stated about the sacerdotal aspect of the society is not true for all places and all times but only for a Hindu State,—a Hindu State strongly influenced by the Brahmanical order. And the question naturally arises whether these chapters of the Santiparvan reflect a state of society of the 4th century A.D. onwards when it was dominated by Brahmanic supremacy, or whether such a thing was prevalent in the time of Kautalya also, if not of his predecessors.

Let us for that reason discuss the question whether in the time of Kautalya and earlier the Hindu State was based on a Brahmanic foundation. such as that indicated by the Mahābhārata. this connection we have in the main to take into consideration the third chapter of the First Book of the Kautalīya, which is called Trayī-sthāpanā or Establishment of the Triple Vedas. Almost at the beginning of this chapter we are informed that as the Triple Vedas definitely settle the respective dharma or duties of the four varnas or castes and of the four aśramas or orders of social life, they are of immense use, apparently to the Arthaśāstra. Then the duties of the various varnas are specified. We will see what they are. The duty of the Brāhman is study and teaching (of the Veda), performance of sacrifices, making others perform sacrifices, and the giving away and receiving of gifts. The duty of a Kshatriya

is study (of the Veda), performance of sacrifices, giving away gifts, living by arms, and protection of living beings. The duty of a Vaisva is study (of the Veda), performance of sacrifices, giving away gifts, agriculture, cattle-breeding and trade. The duty of a Śūdra is the service of the twiceborn. Vārtā, the profession of an artisan and that of a bard. Then we are informed of the duties attaching to the four āśramas. Curiously enough, the āśrama of the householder is mentioned first. though it constitutes the second order of the social The duty of the householder, we are told, is earning livelihood by his proper work, marriage among his equals but of different ancestral Rishis, intercourse with his wife at the proper time, gifts to gods, manes, guests and servants and the eating of leavings. The duty of a Brahmachārin or Vedic Student is studying the Veda, fire-worship, ablution at the proper time, living by begging, staying with his teacher to the end of his life (as Brahmacharin), or in his absence with (teacher's) son, or with a fellow-student. comes the third āśrama, namely, that of Vänaprastha or forest recluse, whose duty is observance of continence, sleeping on bare earth, keeping matted hair, wearing deer-skin, keeping fire, ablution, worship of gods, manes and guests, and living upon forest produce. The duty of Parivrājaka or ascetic is control of senses. abstinence from all works, possessing nothing, shunning all attachment, begging in different

places, dwelling in forest, and purity internal and external. Then Kautalya tells us that duties common to all āśramas are non-injury to all. truthfulness, freedom from spite, non-wickedness and forgiveness. The observance of one's own duty (sva-dharma), we are told, leads to heaven and infinite bliss, but through its violation the world is ruined through samkara or confusion. This is followed by two verses which conclude the chapter. The first of these says that hence the king shall never allow people to swerve from their duties, because whoever upholds his own duty is bappy both here and hereafter. The second verse, which is more important, says: "For the society, whose bounds of Arvan conduct are well fixed, which is established on varna and āśrama and is thus guided by the Triple Vedas, surely prospers, never perishes." We cannot have a full conception of the religious character of the Hindu state in the 4th century B.C. and earlier unless we examine the contents also of Chapter 7 of book III of the Kautaliya, which is styled putra-vibhāga or Distinction between Sons. In this Chapter various types of sons have been specified and their claims to the division of property discussed. Kautalya approves of anuloma marriages, that is, marriages of males with females of lower castes. He, however, disapproves of pratitoma or marriages of males with females of higher castes, and remarks that such marriages are possible when a king violates his own duty, that is, the

duty of preventing samkara or confusion of castes.

Let us now see what state of society is revealed to us by a critical study of these two Chapters from the Kautaliya. It is quite clear that Kautalya accepts the social order which is based upon varna or caste and āśrama He calls it an Arvan society, and what is further interesting is that he gives us to understand that it was the social fabric sanctioned by the Travi or the Triple Vedas. The primary duty of the king was to see that each caste and each āśrama scrupulously observed the duties assigned to them by the Trayi and thus preserve the Aryan character of the society. It is expressly stated that he shall allow no samkara or confusion to creep in, which must arise when people do not perform the duties of the caste or āśrama to which they pertain. What these duties are we have just seen, and there can be no doubt that they are practically the same as those specified by Manu. in the sphere of marriages there seems to be the same agreement between Kautalya and Manu; because whereas both allow anuloma, condemn pratiloma, marriages. There is, however, a distinction between the society that was in existence in the time of Kautalya and the society that prevailed about the 2nd century A.D. when the Manusmriti was recast. We know from the Kautalīya that in certain circumstances and for certain flagrant crimes even a Brāhman could be killed. But Manu lavs down that a Brāhman shall not be killed in any circumstances. Similarly, though the theory of the mixed caste is upheld by Kautalya, it is given only in its broad outline, "and is widely separated from the complicated system of Manu." Nevertheless, it cannot be denied that the Hindu state, such as that described by Kautalya, is modelled on the Vedic pat-And further what specially deserves to be noticed is that he does not mention any conflicting views in regard to this configuration of the Aryan Society. The conclusion is further permissible that what he describes was also true and uncontroverted for his predecessors. There can, therefore, be no reasonable doubt that the Hindu state of the Kautaliya was based on religious foundation and its social arrangement looked upon as coming down from the Veda. Kautalya was a practical statesman. He had, therefore, to accept, as a given fact, the social fabric of his time, which had been developed and moulded according to the Vedas. Neither did he give undue prominence to this sacerdotal constitution of the state nor did he recommend any resistance to it. He had to take the structure of the society as it was in his time, and the idea of upsetting it and introducing any arbitrary change was far removed from the

<sup>1</sup> Ind. Ant., 1924, p. 130. It is true, as we have seen above, that according to the Brihaspati School, Trayī was a pious fraud. But even they must have taken for granted the structure of the Aryan society founded upon Trayī.

mind of Kautalya or his predecessors as it was from the thoughts of the princes of Europe during the Middle Ages.

This Vedic character of the Hindu state even in the time of Kautalya, no doubt, limited the scope of the state authority, and reduced it to something like a socio-religious state. But barring this reservation, in all other spheres of interests the activity of the state was not only unbounded but also distinctly socialistic and highly beneficial to the people. Let us see how in these spheres the state exercised its function as state. The least that the king was expected to do, we have seen, was to grant yoga-kshema and remove the sins of his subjects. In other words, to use the language of Wilhelm von Humboldt, the state was expected to ensure "the maintenance of security against both external enemies and internal dissensions." This presupposes development of the sense of law and of the police organization. That both private and criminal law was developed at this early period is clear to any one who has read the Book of the Arthaśāstra entitled Dharmasthiya. That the state detected, pursued, and destroyed all those who were a danger to itself internally or externally by means of their espionage system is perhaps too apparent to a reader of the Kautaliya. There can be no doubt that so far as legal security and police measures were concerned, the state of the Kautalīya left little to be desired. But from this point

of view the state becomes a mere Legal State or Police State. But protection of life and property and the administration of justice was not the only function of the Hindu state. It had also to take cognisance of a number of philanthrophic. intellectual, and, above all, economic necessities, which had nothing to do with legal security and for which the care of the state was indispensable. Nowhere in India from the first century A.D. onwards do we find any concern evinced for the exercise of this function of the state. Perhaps in the great political upheaval caused by the irruptions and aggressions of such foreign hordes as the Yavanas, Śakas, Palkavas, Kushanas, Hūṇas, and, in the later times, all kinds of foreign Muhammadan hordes, there was a sad neglect of the intellectual and economic interests of the state. And the cataclysm was so complete and far-reaching that the people of India do not even dream that there was a period once in their own history when the Hindu state was alive to the extreme importance of this part of its function.

It is worthy of note that most of the officials mentioned in the Adhyaksha-prachāra have a two-fold function to perform: (1) to carry on the administration of the kingdom and (2) to undertake and manage industries and trades on behalf of the state. Thus Sīt-ādhyaksha was the Superintendent of Agriculture. He had of course his general duties to perform such as those of the supervision of agriculture, irrigation and manuring

in all parts of the country. But over and above this he was entrusted with the special duty of cultivating crown lands. "He shall employ" says Kautalya, "slaves, labourers and prisoners to sow seeds in his (that is, state-owned) land which has been furrowed with many ploughs. The work of these shall not suffer on account of any want in the implements and accessories of ploughing and of bullocks. Nor shall there be any delay in procuring to them the assistance of blacksmiths, carpenters, borers, rope-makers, snake-catchers and so forth. Any loss done to them shall be punished with a fine equal to the Does this passage not clearly show that the Superintendent of Agriculture was also required to cultivate the state-owned agricultural lands with the help not only of workmen but also of the machinery and livestock owned and furnished by the state? So much in regard to the land owned by the king so far as the cultivable area of the country was concerned. But evidence is not wanting from the Kauṭalīya of the state encouraging the settlement and formation of new villages by causing the surplus people to migrate from the thickly populated centres of the territory or by inducing foreigners to emigrate.2 In the case of all these colonies, the agricultural land belonged to the state which disposed of it by allotting it to tax-payers only for life, leasing out to traders

<sup>1</sup> Arthaéāstra, p. 116.

or cultivating it through the village menials of the state. A rigorous supervision was exercised over them, who were deprived of land if they failed to cultivate them properly but were provided with grains, cattle and money if they did the work satisfactorily.

What we have noticed about land and agriculture is noticeable in regard to industries also. Take for instance the ākara or the mines, about which the Arthaśastra says that "that mine which requires much outlay and much work (upon it) shall be leased out for a share of the output or at a fixed rent. That mine which can be worked without much outlay and effort shall be directly exploited." Obviously the mines were worked in a three-fold manner, namely, those that were directly worked by the state, those which were worked jointly by the state and private companies, and those which were worked solely by private venture. In any case the state was looked upon as the owner of the mines, for "any person" says Kautalya "who steals (mineral products) or carries on mining operations without a licence shall be bound (with chains) and subjected to forced labour." 2 Such was the case with the Khany-adhyaksha or the Superintendent of the ocean-mines, who had not only to attend on behalf of the state to the collection of conch-shells, diamonds, precious stones, pearls, corals and salt

but also to regulate the commerce in these commodities. 1 Not, only the commerce of the mineral goods but also of commodities manufactured from mineral products was centralised, and punishments inflicted on those who manufactured, sold or purchased such commodities outside the prescribed localities. Nav. there was a regular government monopoly over salt also, for "adulteration of salt" says the Arthaśāstra "shall be punished with the highest amercement; likewise, persons other than hermits (vānaprasthas) manufacturing salt without a licence. Men learned in Vedas (Śrotriyas), persons engaged in penance (tapasvins), as well as labourers may take with them salt for food. Salt and alkalies for purposes other than these shall be subject to the payment of toll."2 Similarly, forests also were owned and managed by the state. "The Superintendent of Forest produce" says the Kautaliya, "shall collect timber and other products of forests by employing those who guard productive forests. He shall not only start productive work in forests, but also fix adequate fines and compensations to be levied from those who cause any damage to productive forests except in calamities." 3

Even in minor industries the state played the part of the capitalist, and carried on the manufacture of the different commodities. Thus we have Suvarn-ādhyaksha, who manufactured jewel-

<sup>&</sup>lt;sup>1</sup> Ibid., p. 84.

lery from gold, silver and other valuable metals; Lakshan-ädhyaksha, who minted copper, silver and other coins; the Sūtr-ādhyaksha, who was in charge of the weaving establishment and manufactured threads, coats and ropes; the Pautavādhyaksha, who prepared and standardised all sorts of weights; and even the Sur-ādhyaksha or Superintendent of Liquor who carried on "the manufacture of liquor and ferments by employing persons experienced in these industries and carried on liquor traffic not only in forts but also in camps." 1 In most cases, the state had a monopoly in the articles manufactured and any person manufacturing them in any other place was subjected to a fine.

Let us now see what the policy of the state was in regard to trade and commerce. There was a state official called the Pany-ādhyaksha or Superintendent of Commerce, who controlled the Commercial Department of the state and whose duty was not only to secure home markets for the sale of the products of the state manufactories but also to provide facilities for their sale in foreign countries. There is one passage in the Chapter dealing with the duties of the Superintendent of Commerce which shows at what profit these commodities were to be sold. "Both kinds of merchandise (local and imported)" says the Kautalīya "shall be favourably sold to the peo-

<sup>&</sup>lt;sup>1</sup> Pp. 84, 85, 103, 113 and 119.

ple. He (the Superintendent of Commerce) shall avoid such large profits as will harm the people." 1 If the state was thus careful not to charge a heavy profit on its own goods, it stands to reason that they should keep watch over traders and artisans. There is a verse in the Kautalīya which says: "Thus traders, artisans, musicians, beggars, buffoons, and other idlers who are thieves, in effect, though not in name, shall be restrained from oppression on the country." 2 Similarly, in a Chapter dealing with the molestations, obstructions, and financial troubles to the state, a question is raised as to who is the worse of the two--the warden of the Marches (Antapāla) or a trader. The teacher of Kautalya says that the former is the worse, because he destroys traffic by allowing thieves and taking taxes more than he ought to, whereas a trader renders the country prosperous by a favourable barter of commercial articles. This view, however, is controverted by Kautalya. "The Warden of the Marches," says he, "increases commercial traffic by welcoming the arrival of merchandise, whereas traders unite in causing rise and fall in the price of articles and live by making profits cent per cent in panas and kumbhas (measures of grain)"3. Is it not clear from this that even in the 4th century B.C. there was something like 'Corners' and 'Trusts,' which are the bane of the modern civilized age? But

<sup>&</sup>lt;sup>1</sup> P. 98. <sup>2</sup> P. 202. <sup>3</sup> P. 338.

the state of the Kautaliya was alive to the necessity of preventing this evil, and consequently we are distinctly told in this work that "merchants who unite either to prevent the sale of merchandise, or to sell or purchase commodities at higher prices, shall be fined 1,000 panas." 1 The state also regulated the price and profit by allowing a general profit of five per cent over and above the fixed price in the case of local commodities and of ten per cent in the case of foreign produce.2 Enhancement of price or realisation of profit even by half a pana above this scale was punished with a fine from five to two hundred panas. The state also regulated the middle man's profit. Although these restrictions were imposed upon trade and commerce in the interests of both the state and the people, the state, be it noted, or the Warden of the Marches, on behalf of the state, undertook to make good whatever had been lost by the merchants in the part of the country which was in his charge.3 It looks as if the state thus played the role of a modern insurance company. But it may be asked: what was the state policy towards labour? We will allow Kautalya to speak about it. "Those who conspire" says he, "to lower the quality of the works of artisans, to hinder their income, or to obstruct their sale or purchase, shall be fined a 1,000 panas." 4 As regards the wage of a labourer,

<sup>1</sup> P. 204.

<sup>&</sup>lt;sup>2</sup> Pp. 204-5.

<sup>3</sup> P. 111.

<sup>4</sup> P. 204.

Kautalya lays down that "wages previously settled shall be paid and received as agreed upon," and that "failure to pay wages shall be punished with a fine of ten times the amount or 6 panas and their misappropriation with five times the amount or 12 panas." In cases where there is no agreement, "a cultivator" says Kautalya, "shall obtain one tenth of the crops grown, a herdsman of the butter clarified, and a trader of his sale proceeds." The state also regulated slave labour with a view to improve its condition. Thus we are told that "employing a slave to carry the dead or to sweep ordure, urine, or leavings of food: keeping a slave naked: or hurting or abusing him or violating (the chastity of) a female slave shall cause the forfeiture of the value paid for him or her." 2 The state also recognised the private property of a slave, for the Arthasastra lays down that "the property of a slave shall pass into the hands of his kinsmen; in their absence his master shall take it " 3

Before we close this account, we must take note of two other functions of the state, which we find emphasised in the *Kauṭalīya*. The state recognised its duty towards education, and disbursed money-grants or pensions to those engaged in the teaching of the Sāstras. Priests and learned Brāhmans were endowed with land. Forests for

3 P. 183.

<sup>1</sup> Pp. 183-4. 2 P. 182.

the study of the Vedas and the growing of the soma plant were entrusted to Brahmans. The Srotrivas were exempted from taxation, and received other kinds of help. 1 The state also seems to have employed many classes of teachers (āchāryas) and also men proficient in sciences (vidyāvantah).2 dently the state considered it to be its duty to thereby provide for the educators of the youth of the community. Next to this propagation of education, the state considered the maintenance of the distressed members of the community also to be its duty; for, says Kautalya, "the king shall provide the orphans, the aged, the infirm, the afflicted and the helpless with subsistence. He shall also maintain (helpless) women when they are carrying and also the children they may give birth to." Most of these were employed to spin thread in the weaving manufactories of the state, and in the case of the poor but respectable women, due courtesy was shown to them by work being sent to their homes through female menials of the weaving establishment; nay, prizes were given by way of encouragement to them. 4 Some of the orphans, who were maintained by the state, were set to study palmistry, sorcery, legerdemain and so forth and formed one important class of the king's spies: 5 This is not all. It was the paramount duty of the state to fortify the people against all contingencies; for the Super-

<sup>&</sup>lt;sup>1</sup> Pp. 46, 84, 118, 144, 161, 191.

<sup>&</sup>lt;sup>2</sup> P. 246.

<sup>3</sup> P. 47.

<sup>4</sup> Pp. 113-4.

<sup>6</sup> P. 20.

intendent of Storehouse, says the Arthaśāstra, "shall keep in reserve half of his collection to ward off the calamities of the people." But when such calamities actually overtook them, the state was expected to start relief works, encourage emigration, and cultivate new cereals. "During famine," says Kautalya, "the king shall show favour to his people by providing them with seeds and provisions. He may do such works as are connected with bridges and forts by doling out provisions, or he may distribute the provisions gratis, pawn his own kingdom or seek help from his allies, or he may cause (temporarily) the partial thinning away or complete exodus (of the population)." <sup>2</sup>

Thus ends a very brief survey of the duties which the Hindu State of the period of Kautalya and earlier was expected to discharge. Let us now try to examine what its nature was. Now-a-days we frequently hear of the state control of land and capital, of labour and industry, nationalisation of mines, state ownership and management of industry, provision of subsistence by the state for those who cannot make a living, and of labour for those who are out of employment. These are the elements of what is known as state socialism of the modern day which has so much influenced the legislation of Europe

<sup>1</sup> P. 95.

<sup>&</sup>lt;sup>2</sup> Pp. 206-7 (See also the other readings given in the second edition.)

during the last quarter of a century. And one may be pardoned if he feels tempted to see these up-to-date ideas of the modern economic world into the Ancient India of the 4th century B.C., which seems to resemble it in some striking particulars 1 Nothing, however, can be more erroneous, because every thing depends upon the real motive, the ultimate objective, which imparts to these measures their true colour and meaning. State socialism is, after all, a form of socialism, and socialism can exist and continue only "so long as the division of the social structure into economically differentiated classes remains, and so long as that division, or any similar division, is felt by any straitened and subordinate class to be a restriction on freedom and a curtailment of personality." In other words, socialism is "the instinctive reaction of workingclass thought and emotion towards an economic environment felt to be ethically evil, restrictive, and oppressive, combined with a steadily growing relation of personal worth and consequent desire for personal freedom and self-expression, to be achieved in an environment of greater

<sup>&</sup>lt;sup>1</sup> Sir Asutosh Mookerjec Silver Jubilec Volumes, Vol. III, p. 429 and ff. In this article the above view was first propounded by Mr. H. C. Ray, from which are taken some of the details herein set forth, but not his conclusions. Mr. Ray was followed by Mr. N. C. Banerji in Calcutta Review, 1922 (Oct.—Dec.), p. 535. But the former seems now to have almost given up his old view and come to better conclusions in his article entitled Economic Policy and Functions of the Kautiliyan State and published in the Jour. Dept. Lett. (Calcutta University), vol. XIII.

economic liberty, more complete equality of opportunity, and wider, more satisfying fellow-Now, there is absolutely no evidence, whether from the Kautaliya, the Mahabharata or any other work, to show that Ancient India at any period was divided into economically differentiated classes as in the modern day, that they felt themselves to be subordinated and straitened by any restriction of freedom and curtailment of personality and that consequently they panted for personal freedom and self-expression. To assert, therefore, that state socialism is reflected in the Arthasastra is something inconceivable and incredible. Besides. the economic condition Ancient India, such as has been detailed above, bears a fairly close resemblance to that of almost every European country in mediaeval times. Instances are not unknown, in the case of these foreign countries, of state interference, monopolies, and state participation in industries. But this state-capitalism was carried on or enjoyed by the state, with a view not to arrest the evil of too much competition and alter any pernicious economic environment that may have been created, but rather to make itself politically self-sufficing and fiscally self-supporting or act as a pioneer in unexplored or insufficiently developed fields of industry where individual enterprise was shy or lacking. Though it is thus preposterous to maintain that state-socialism was prevalent in Ancient India, there

can be no doubt that the socio-economic enaracter of the state depicted in the Kautalīya makes a most profound impression on the mind especially as we find some measures prescribed for a state which, though they were laid down at such an early age, look as advanced and thoughtful as those of the modern times.

It will thus be seen that the Hindu state of the fourth century B.C. was limited in one sense, but unlimited in another. So far as its sacerdotal or socio-religious character was concerned, it had its limitation. But this nature of the state had been handed down from time immemorial. and was accepted without approval or disapproval by all the authors of polity as the data for them to work upon. On the other hand, there was no visible assignable limit so far as the state aspired to be benevolent and helpful to the people, intellectually, economically and socialistically. And these duties it discharged almost to a perfection, and no state of modern Asia or mediaeval Europe can be found which is worthy to hold a candle to it.

In the first Lecture, it was pointed out that the Arthaśāstra was concerned with two things, namely, (1) acquisition of what has not been acquired, and (2) preservation of what has been so acquired. Daṇḍanīti, of course, concerns itself with them, but also concerns itself with two more things, namely, (3) augmentation of what has been preserved and (4) distribution

among the deserved of what has been so augmented. What is meant by 'augmentation of what has been preserved'? It does not seem possible that it was anything else than the fiscal advantage derived from this socio-economic structure of the state. What the king has to preserve is, as we have seen, what the king has acquired, namely, territory or earth; and this territory he has to preserve by means of his administrative system. This we have already But how can this territory which has been so preserved be made to yield more wealth? This is well nigh impossible unless the state is of a socio-economic nature, unless, that is to say, the state has owned and managed the various industries and trades. This is just what we have now probably to understand by 'augmentation of what has been preserved,' which forms the third constituent of Dandaniti.

It may now be asked: did the Hindu state of this early period have any end in view? This is the question which we now have to tackle. Fortunately, however, the reply to it seems to be contained in the import of the fourth constituent of the Daṇḍanīti, namely, 'distribution among the deserved (Tīrtha) of what has been augmented.' Now, who are these Tīrthas, on whom the king has to bestow the augmented portion of his wealth? In this connection it is impossible not to take into consideration what Aśoka, the Buddhist Emperor, speaks of himself as having done.

In Rock Edict XII., he says that he honoured the various sects with various gifts and various honours and that the members of these sects whom he honoured were not simply the recluses but also the householders. We have also to remember that he insists upon his people showing reverence and giving gifts to the Brähmans and Sramanas alike. These denote two orders of religiœux, but of a contrary character. Brāhmans seem to be recluses and mendicants whose speculations and disciplines were in conformity with the Vedas, and Sramanas those whose doctrines and practices were opposed to these Brahmanic scriptures. Members of either sect, howsoever divergent their tenets may be, could lead equally holy lives, and it is for this reason that not only Aśoka but even Buddhist scriptures, which depict the social life of the time of Buddha, inculcate equal reverence to both on the minds of the people.

It is, however, worthy of note that Aśoka was not the first Indian king who showed reverence and made gifts to the monks and mendicants of the various sects. The practice seems to have been in general prevalence both after and before his time. From the Sāmañña-phala-Sutta of the Dīgha-Nikāya, for instance, it appears that king Ajātaśatru of Magadha, who flourished two centuries prior to Aśoka, was in the habit of paying his homage to all the celebrated teachers of the sects in his time. What

could be the visible advantages from the life of a recluse? This question troubled his mind. He visited the renowned founders of the six religious orders known in his time before he called upon Buddha. They gave him each an account of ethics and philosophy of his sect. But that was not a direct and straightforward answer to his question. He was therefore compelled, we are told, to approach Buddha, who alone gave a reply which satisfied the king. Now, the founders of these orders have been designated titthiyas, or titthakaras, in the Pāli Buddhist scriptures. Further, we know that the term tīrthakara or tīrthamkara is not unknown to the Jaina scriptures, and is used to denote their It is also worthy of note that even Vishnu has once been called tirthakara in the Mahābhārata. What does Tirthakara mean? The word tirtha signifies 'a ford, a passage through the river,' and Tīrthakara has, therefore, been taken to denote one who creates a passage (through life).' So far as the tīrthyas or tīrthakaras of the Buddhist and Jaina texts are concerned, they were all recluses and were heads and teachers of the various sects. And this usage seems to be preserved even in the sphere of Brahmanism in the latter period. There is one of the ten orders of ascetics believed to have been founded by Samkarāchārya, whose

<sup>1</sup> Anusāsana-parvan, Chap. 149, V. 87.

members adopt tīrtha as an honorific suffix to their names. It thus appears that long before the Christian era, the founders or heads and teachers of sects, who led the life of a recluse and developed or advocated a system of ethics and philosophy, were known as tirthyas or tirthakaras, because they showed 'a passage' leading to the other world for the benefit of the ignorant and illiterate mankind. They were objects of veneration to all sorts and conditions of people, who also lavished all kinds of gifts on them. In this connection it is worth recalling to mind the first visible fruit of a recluse's life emphasized by Buddha when expatiating on this subject at the solicitation of king Ajatasatru. Buddha takes a hypothetical case of a slave of the royal household who renounces the world, joins a religious order, and dwells in solitude restraining his act, word and thought, and asks the Magadha king what the feeling of his mind would be if he came to know that that monk was a slave of his household. "Rather should we greet him," said Ajätaśatru, "with reverence, and rise up from our seat out of deference towards him, and press him to be seated. And we should have robes and bowl, and lodging place, and medicine for the sick—all the requisites of a recluse—made ready, and beg him to accept of them. And we should order watch and ward and guard to be kept for him according to the law." If such was the

<sup>1</sup> Sacred Books of the Buddhists, Vol. 11. pp. 76-7.

reverence expressed by such an illustrious ruler as Ajātaśatru for such an insignificant person as a slave when he had become a recluse, what must be the degree and intensity of reverence that any king would exhibit to a man who was not merely a recluse but the head and teacher. if not the founder, of a sect or school? To such tīrthyas or tīrthkaras the kings of Ancient India offered their veneration and made gifts. And for granting safety to such personages and providing for their comforts, the kings were supposed to develop the natural resources of their kingdom and augment the sources of the state revenue. Thus one object of the Science of Dandanīti as of the Hindu state was to encourage and foster the life of a philosopher and thus ensure the continuance of thought in the sphere of higher realms with a view to discover an easy and correct pathway to the next world for the enlightenment and exaltation of mankind.

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